ARTICLE 73

CONTENTS

Text of Article 73

<table>
<thead>
<tr>
<th>Paragraphs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introductory note</td>
</tr>
<tr>
<td>I. General survey</td>
</tr>
<tr>
<td>II. Analytical summary of practice</td>
</tr>
<tr>
<td>A. Article 73a</td>
</tr>
<tr>
<td>1. Economic advancement</td>
</tr>
<tr>
<td>a. Measures for economic development</td>
</tr>
<tr>
<td>(i) General</td>
</tr>
<tr>
<td>(ii) Basutoland, Bechuanaland and Swaziland</td>
</tr>
<tr>
<td>(iii) Equatorial Guinea</td>
</tr>
<tr>
<td>(iv) Oman</td>
</tr>
<tr>
<td>(v) Small Territories</td>
</tr>
<tr>
<td>b. Activities of foreign economic and other interests impeding the implementation of the Declaration in Non-Self-Governing Territories</td>
</tr>
<tr>
<td>(i) General</td>
</tr>
<tr>
<td>(ii) Namibia</td>
</tr>
<tr>
<td>(iii) Territories under Portuguese administration</td>
</tr>
<tr>
<td>(iv) Southern Rhodesia</td>
</tr>
<tr>
<td>2. Educational advancement</td>
</tr>
<tr>
<td>a. Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories</td>
</tr>
<tr>
<td>b. United Nations Educational and Training Programme for Southern Africa</td>
</tr>
<tr>
<td>3. Social advancement</td>
</tr>
<tr>
<td>a. Elimination of racial discrimination, segregation and apartheid</td>
</tr>
<tr>
<td>(i) Fiji</td>
</tr>
<tr>
<td>(ii) Papua and the Trust Territory of New Guinea</td>
</tr>
<tr>
<td>b. Rights of colonial peoples to freely dispose of their natural wealth and resources</td>
</tr>
<tr>
<td>(i) General</td>
</tr>
<tr>
<td>(ii) Territories under Portuguese administration</td>
</tr>
<tr>
<td>(iii) Southern Rhodesia</td>
</tr>
<tr>
<td>4. Assurance of just treatment and protection against abuses</td>
</tr>
<tr>
<td>a. Protection of human rights</td>
</tr>
<tr>
<td>b. Application of the Geneva Conventions of 1949 to prisoners of national liberation movements in Non-Self-Governing Territories</td>
</tr>
<tr>
<td>(i) Territories under Portuguese administration</td>
</tr>
<tr>
<td>(ii) Southern Rhodesia</td>
</tr>
<tr>
<td>c. Prohibition of the use of mercenaries against national liberation movements in Non-Self-Governing Territories</td>
</tr>
</tbody>
</table>

130
B. Article 73b ................................................................. 158-353

1. The right of self-determination and independence of colonial Territories .... 158-174
   a. General ................................................................. 158-161
   b. The West Indian Associated States ................................. 162-174

2. Legitimacy of the struggle of the colonial peoples to exercise their right to self-
   determination and independence ..................................... 175-179
   a. Territories under Portuguese administration ................. 178
   b. Southern Rhodesia ....................................................... 179

3. Setting a date for the accession to independence in individual Territories .... 180-211
   a. Equatorial Guinea ...................................................... 183
   b. Fiji ................................................................. 184-196
   c. Gibraltar .............................................................. 197-201
   d. Papua ................................................................. 202
   e. Aden ................................................................. 203-211

4. United Nations participation in the process of ascertaining the freely expressed
   wishes of the people of Non-Self-Governing Territories regarding their future
   political status .......................................................... 212-279
   a. General ................................................................. 212-213
   b. Aden ................................................................. 214-229
   c. Spanish Sahara ........................................................... 230-243
   d. Equatorial Guinea ..................................................... 244-260
   e. West New Guinea ...................................................... 261-279

5. The principle of national unity and territorial integrity .............................. 280-336
   a. Introduction .......................................................... 280-283
   b. National unity and territorial integrity on attainment of independence 284-290
   c. National unity and territorial integrity in cases involving a dispute over
      sovereignty ............................................................. 291-302
      (i) Falkland Islands (Malvinas) ...................................... 291-293
      (ii) Ifni and Spanish Sahara........................................... 294-300
      (iii) West New Guinea (West Irian) ............................... 301-302
   d. The process of decolonization in a Territory over which a dispute over
      sovereignty exists ..................................................... 303-336
      (i) Gibraltar ........................................................... 303-336

6. International responsibility for the progress of colonial Territories towards the
   attainment of self-determination and independence .......................... 337-340

7. The question of dissemination of information on the work of the United Nations
   and on the implementation of the Declaration .................................. 341-353
   a. General ................................................................. 341-349
   b. Territories under Portuguese administration .................... 350-351
   c. Southern Rhodesia ...................................................... 352-353

C. Article 73c ................................................................. 354-428

1. Questions of international peace and security arising in Non-Self-Governing
   Territories .............................................................. 356-375
   a. Questions arising in the General Assembly ....................... 357-364
      (i) Territories under Portuguese administration ............... 358-360
132 Chapter XI. Declaration regarding Non-Self-Governing Territories

Paragraphe

(ii) Southern Rhodesia .......................... 361-364

b. Questions arising in the Special Committee .................. 365-375
   (i) Territories under Portuguese administration .............. 366-369
   (ii) Southern Rhodesia .................................. 370-374
   (iii) Colonial Territories considered by the Special Committee during its meetings away from Headquarters .................. 375

2. The question of crimes against humanity threatening international peace and security ............................................ 376-385
   a. General ........................................... 376-381
   b. Namibia .......................................... 382
   c. Territories under Portuguese administration ............... 383-384
   d. Southern Rhodesia .................................. 385

3. Military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration ... 386-428
   a. Military bases in general .......................... 387-391
   b. Military bases in specific Territories .................. 392-428
      (i) Oman ........................................... 421-422
      (ii) Papua and the Trust Territory of New Guinea ........ 423-426
      (iii) Small Territories ......................... 427-428

D. Article 73d ........................................ 429-469
1. Introduction ....................................... 429-432

2. Withholding of assistance from colonial powers by the specialized agencies and international institutions associated with the United Nations .......... 433-454
   a. General ........................................... 433-440
   b. Territories under Portuguese administration ............... 441-448
   c. In case of wars against the inhabitants of the Territories ........ 449-454
      (i) General ........................................... 449-452
      (ii) Territories under Portuguese administration ............... 453-454

3. Assistance to colonial peoples and national liberation movements by the specialized agencies and international institutions associated with the United Nations and the implementation of the Declaration .......... 455-465
   a. General ........................................... 455-464
   b. Southern Rhodesia .................................. 465

4. Assistance to refugees from colonial Territories ................ 466-469
   a. General ........................................... 466-467
   b. Territories under Portuguese administration ............... 468
   c. Southern Rhodesia .................................. 469

E. Article 73e ........................................ 470-612
1. Transmission of information under Article 73e ............... 470-488
   a. Enumeration of the Territories on which information is transmitted under Article 73e .................. 471
   b. Nature and form of information transmitted under Article 73e .................. 472-474
   c. The question of transmission of information concerning political and constitutional developments .................. 475-477
2. Examination of information transmitted under Article 73e
   a. The Special Committee and its composition
   b. Examination by the Special Committee of information transmitted under Article 73e
   c. The nature of information used by the Special Committee
   d. Collaboration with the United Nations Councils and the specialized agencies
      (i) Relations with the Trusteeship Council
      (ii) Relations with the Economic and Social Council
      (iii) Collaboration with the specialized agencies and other international institutions

3. The question of sending visiting missions to colonial Territories
   a. General
   b. Fiji
   c. Papua
   d. Small Territories

4. Procedures regarding communications and petitions and the hearing of petitioners
   a. Circulation of communications and hearing of petitioners
      (i) Antigua, Grenada and the Territory of St. Kitts-Nevis-Anguilla
      (ii) Oman
      (iii) Territories under Portuguese administration
      (iv) Southern Rhodesia
   b. The question of circulation of anonymous communications and petitions
   c. The question of circulation of communications and petitions involving non-administering Powers

5. Determination of the Territories to which Chapter XI of the Charter and the Declaration contained in General Assembly resolution 1514(XV) apply
   a. Territories within the competence of the Special Committee
   b. The competence of the General Assembly to determine to which Territories Chapter XI of the Charter and the Declaration apply or continue to apply
      (i) General
      (ii) Comoro Archipelago
      (iii) Hong Kong
      (iv) Puerto Rico
ARTICLE 73

TEXT OF ARTICLE 73

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

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

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

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

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

INTRODUCTORY NOTE

1. The study of this Article in the Repertory and its Supplements Nos. 1 and 2 focused on three main issues, namely, the transmission of information under Article 73e, the examination of information transmitted under Article 73e, and the determination of the Territories to which Chapter XI of the Charter applied.

2. During the period covered by Supplement No. 3, the General Assembly adopted resolution 1514(XV) on 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples. By this resolution the Assembly solemnly proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations and, inter alia, declared that “All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” The Assembly further declared that “Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence”, and that “Immediate steps shall be taken in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those Territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or color, in order to enable them to enjoy complete independence and freedom.”

3. With the adoption of the Declaration on decolonization, the General Assembly placed a new emphasis on the attainment of the ultimate objective set forth in Chapters XI and XII of the Charter. The Declaration elaborated the ultimate goal of the progress of Non-Self-Governing Territories as set forth in Article 73, of self-government and that contained in Article 76 of “self-government or independence”, and proclaimed that immediate steps should be taken in Trust and Non-Self-Governing Territories and all other Territories which had not yet attained independence, to transfer all powers to the peoples of those Territories without conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or color, in order to enable them to enjoy complete independence and freedom. The adoption of the Declaration on decolonization was followed by the decision of the General Assembly, in resolution 1654(XVI), to establish a Special Committee on the Situation with regard to the Implementation of the Declaration.

4. In addition to the increased emphasis on freedom and independence as the goal for all colonial countries and peoples, the 1960’s also saw the extension of the scope of Chapter XI of the Charter to the Territories under Portuguese administration and to Southern Rhodesia. As neither Portugal nor the United Kingdom

2 Referred to in this study as the Special Committee.


4 Ibid., paras. 130-188.
accepted responsibility under Article 73e to transmit information to the Secretary-General on these respective Territories, the Assembly decided that the right of the peoples to self-determination and independence did not depend on the willingness of the administering Power to grant these rights and that the examination of conditions in colonial Territories was not dependent on the transmission of information by the administering Powers. In addition, French Somaliland, on which France had ceased transmission of information since 1957, was included in the list of Territories to which the Declaration applied by virtue of a decision by the Special Committee which was accepted by the Assembly.

5. As was seen in Supplement No. 3, from 1960 to 1965, with the growing support for decolonization and the increased membership in the Organization of newly independent former colonial countries, the Assembly began the process of extending to colonial countries the kind of international accountability envisaged under the trusteeship system. At the same time, it also asserted international responsibility to assist colonial peoples in the attainment of their goal of freedom and independence by calling upon Member States to take positive measures of assistance in various fields and by actions aimed at restraining or removing measures by the colonial powers and other interests which impeded decolonization.

6. During the period covered by the present Supplement, the questions that have arisen under Article 73 have continued to be related mainly to efforts to bring a speedy end to colonialism by the active implementation of the Declaration in regard to colonial countries and peoples. Thus it has not been appropriate to continue using the previous headings. Instead, for the convenience of analysis, this Supplement has been organized as closely as possible under the paragraphs of Article 73, thus making it possible to show the extent to which the scope of this Article has been widened since 1960.

I. GENERAL SURVEY

7. A review of the decisions which were taken by the General Assembly during 1960-1966 and which were covered in Supplement No. 3 shows that, with the adoption of the Declaration on decolonization and the establishment of the Special Committee the main trend was towards an increased effort by the international community to bring an end to colonialism. On the one hand, the decisions taken extended the concept of the international accountability of the administering Powers regarding Non-Self-Governing Territories as envisaged in Article 73; on the other hand, the decisions also increasingly asserted the responsibility of Member States to assist the colonial peoples in attaining the right to self-determination and the ultimate goal of freedom and independence.

8. It may be recalled that, in the early 1960s, the most urgent problems of decolonization were those concerning the Territories under Portuguese administration, Southern Rhodesia and South West Africa (Namibia). A number of common aspects made these Territories and the problems they raised different from those concerning the decolonization of the majority of colonial Territories. The most important issues that arose were: the refusal of the administering Powers to co-operate with the United Nations on the decolonization process; the total denial of the political aspirations of the indigenous inhabitants, in some cases on racial grounds; increasingly repressive measures and use of force by the colonial and/or white minority governments in the Territories and the increasing confrontation between the African States and the minority governments which could endanger peace and security in the region.

9. The basis of Article 73, as has been discussed in the Repertory, was originally the undertaking of declared responsibilities by Member States for the Non-Self-Governing Territories under their administration. The denial by Portugal of the colonial status of the Territories under its administration, which it considered to be self-governing, created a new situation, as the processes that required the operation of the administering Power became impossible.

10. With the general support of the majority of Member States, the General Assembly gradually extended to all colonial Territories the procedures of the trusteeship system for international supervision. Such procedures included the acceptance of petitions and hearing of petitioners; the use of visiting missions; the establishment of procedures in cases in which the will of the people was to be expressed; the adoption of recommendations for constitutional and political advancement in individual Territories and, when necessary, the establishment of a target date for the attainment of independence.

11. Some of these issues were again raised in respect of specific Territories during the period covered by this study and are briefly reviewed as necessary. The more important new issues which arose involved the responsibilities of administering Powers and the international community in the decolonization process, particularly in cases of colonial wars and cases involving a dispute over the sovereignty over a colonial Territory.

Article 73a

12. The major issues relating to this paragraph concerned the economic, social and educational advancement of the peoples concerned, their just treatment and their protection against abuses.

13. In the period covered by this study, issues concerning the economic advancement of the inhabitants were considered in the cases of Basutoland, Bechuanaland, Swaziland, Equatorial Guinea, Oman and the small Territories with recommendations being made to the administering Powers to take effective measures for the economic progress of the inhabitants of the Territories

3)Ibid., paras. 378-383.
5)Although South Africa continued to accept its responsibilities as the Mandating Power for South West Africa, it also refused to recognize the authority of, and co-operate with, the General Assembly. This issue is treated under Article 81.
6)Although the Declaration on decolonization applies equally to Trust Territories, decisions relating specifically to these are covered, as in the Repertory and Supplement Nos. 1, 2 and 3, under Article 76, and material relating to Namibia, which the General Assembly by resolution 2145(XXI) of 27 October 1966 brought under the direct responsibility of the United Nations, is covered under Article 81.
concerned. A complementary issue related to the activities of foreign economic and other interests in colonial Territories, particularly in southern Africa, which were impeding the implementation of the Declaration and obstructing the exercise of the inhabitants of their inalienable right to self-determination and independence.  
14. In previous decisions, the General Assembly had already established the importance of the educational advancement of the inhabitants of the colonial Territories for their political, economic and social development. During the period under review, the General Assembly continued to invite Member States to extend to the inhabitants of the concerned Territories offers of facilities not only for study and training at university level but, in the first place, for study at the post-primary level, as well as technical and vocational training of immediate practical value, and to report their offers to the Secretary-General. The Assembly also continued to request the Secretary-General to ensure the dissemination of information about the scholarships offered by Member States.  
15. Furthermore, the existing three separate programmes for training, namely, the educational and training programme for Namibia, the training programme for Territories under Portuguese administration, and the educational and training programme for Southern Rhodesia, needed to be consolidated. The Assembly appealed to all States, organizations and individuals to make generous contributions to the consolidated programme and requested the Secretary-General to establish an advisory committee to advise him on the operation of the programme.  
16. The just treatment of the inhabitants and their protection against abuses were considered by the Assembly as issues of human rights in the colonial Territories. One of the main issues that arose at the twenty-second session was the gross violation of human rights by the Portuguese Government which was waging a colonial war with napalm, white phosphorous, chemical defoliants and poison gas against the people of Guinea (Bissau). This led to an appeal to all States to prevent the use or possible use of weapons of mass destruction in, and to bring about the cessation of, that war. The text of this appeal was transmitted to the President of the Security Council and to the Chairman of the Commission on Human Rights.  
17. Another issue related to the colonial wars in Southern Africa was the use of international mercenaries against the national liberation movements in those Territories. As a result, the Assembly, by resolution 2395(XXIII), urgently appealed to all States to take all measures to prevent the recruitment or training in their Territories of any persons as mercenaries for the colonial war being waged in the Territories under Portuguese administration and for the violation of the territorial integrity and sovereignty of independent African States. In a further decision, the Assembly, by resolution 2465(XXIII), declared that the practice of using mercenaries against movements for national liberation and independence was punishable as a criminal act and that the mercenaries themselves were outliers; it called upon all Governments to enact legislation declaring the recruitment, financing and training of mercenaries in their Territories to be a punishable offence and prohibiting their nationals from serving as mercenaries.  
18. At the twenty-third session a question was raised as to the application of the 1949 Geneva Conventions to the situation in the Territories under Portuguese administration and in Southern Rhodesia. The General Assembly, by resolutions 2395(XXIII) and 2383(XXIII), called upon the Governments of Portugal and the United Kingdom respectively, in view of the armed conflict prevailing in the respective Territories and the inhuman treatment of prisoners, to ensure the application to the situation in these Territories of the 1949 Geneva Conventions relative to the Treatment of Prisoners of War and to the Protection of Civilian Persons in Time of War.  

Article 73b  
19. The central issue under this paragraph has been the right of colonial peoples to self-determination and their attainment of self-government or independence. In addition to the question of this right, in specific circumstances issues raised have involved the legitimacy of the struggle of colonial peoples to exercise that right; the responsibility of the administering Powers for the attainment of self-government and independence, including the setting of a target date; the participation of the United Nations in ascertaining the will of the people in regard to the future status of their country and the question of the principle of national unity and territorial integrity.  
20. During the period under review some of these issues were raised in respect of specific Territories. In particular, attention was addressed to the need to set a date or deadline for the accession to independence in the cases of Equatorial Guinea, Fiji, Gibraltar and Papua.  
21. The question was also raised as to the competence of the United Nations to participate in ascertaining the freely expressed wishes of the people of Non-Self-Governing Territories on the question of the future political status of Aden, Equatorial Guinea and Spanish Sahara. In regard to West New Guinea (West Irian), the General Assembly considered the reports of the Government of Indonesia and the Secretary-General's Representative concerning the unanimous decision of the Consultative Assemblies of the Territory to remain under the sovereignty of Indonesia, and took note of the act of self-determination exercised by the Consultative Assemblies on behalf of the people of the Territory in accordance with Article XXI of the Agreement of 15 August 1962 between the Republic of Indonesia and the Kingdom of the Netherlands.  
22. The Assembly confirmed the importance of the territorial integrity of Territories attaining independence in two decisions. In the case of Equatorial Guinea, for instance, the Assembly requested the administering Power to ensure that it attained independence as a single political and territorial unit and to avoid any steps that would jeopardize its territorial integrity. In the case of various small island Territories, the Assembly expressed deep concern at policies which, *inter alia*, aimed at the disruption of their territorial integrity and at the creation of military bases and installations and declared that such measures were incompatible with the purposes of the Charter and the Declaration on decolonization.  

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*O* A resolution 2270(XXII).

11 For further details see, under Article 73, *Repotary*, paras. 229-254; *Repotary Supplement No. 1*, para. 41; *Repotary Supplement No. 2*, paras. 73-89 and *Repotary Supplement No. 3*, paras. 60-104.  
23. As in the past, the General Assembly and the Special Committee considered questions of disputed sovereignty, including the question of compatibility between the principle of self-determination and territorial integrity, as in the cases of the Falkland Islands (Malvinas), Gibraltar and the Spanish Sahara; no settlement was effected in respect of these Territories during the period under review. However, in the case of West New Guinea (West Irian), as stated above, the Consultative Assemblies of the Territory unanimously decided to remain under the sovereignty of the Republic of Indonesia.

24. The General Assembly continued the practice of requesting the Secretary-General as well as Member States, in particular the administering Powers, to disseminate information on the work of the United Nations and of the Special Committee concerning the implementation of the Declaration. Furthermore, the Assembly specifically requested the Secretary-General to promote through various United Nations bodies and agencies the widespread and continuous publicizing of the work of the United Nations concerning the question of the Territories under Portuguese administration and of Southern Rhodesia so that world opinion might be made sufficiently aware of the grave situation and of the continuing struggle for liberation waged by the people in these Territories.

25. Under this article the administering Powers undertake to further international peace and security in the administration of their colonial Territories.

26. During the period under review, the General Assembly, in certain cases, declared that the colonial rule and the practice of apartheid as well as all forms of racial discrimination threatened international peace and security and constituted a crime against humanity. Thus, the General Assembly, by resolution 2022(XX), noted the increasing co-operation between Southern Rhodesia, South Africa and Portugal, which was designed to perpetuate racist minority rule in southern Africa and, in its view, constituted "a threat to freedom, peace and security in Africa". In the case of the Portuguese Territories, the Assembly, in resolution 2107(XX), expressed its conviction that the attitude of Portugal towards the African population in its colonies and towards the neighbouring States, constituted "a threat to international peace and security".

27. During the period under review the General Assembly, in resolutions concerning the implementation of the Declaration on decolonization, declared and reaffirmed that the continuation of colonial rule threatened international peace and security and that the practice of apartheid and all forms of racial discrimination constituted a crime against humanity. The Assembly also adopted resolutions containing similar provisions concerning Namibia and Southern Rhodesia.

28. In the case of the Territories under Portuguese administration, the General Assembly condemned, as a crime against humanity, the Portuguese policy which violated the economic and political rights of the indigenous population by the settlement of foreign immigrants in these Territories and by exporting African workers to South Africa. It also condemned the colonial war being waged by Portugal against the peaceful people of the Territories under its administration as constituting a crime against humanity and a grave threat to international peace and security. Because of the colonial situation, the General Assembly requested all States, particularly the military allies of Portugal within the framework of the North Atlantic Treaty Organization, to withhold any kind of military assistance from the Government of Portugal.

29. Another issue relating to international peace and security which arose concerned the military activities and arrangements of the colonial Powers in the Territories under their administration which might be impeding the implementation of the Declaration on decolonization. The discussions led to an Assembly request to the administering Powers concerned to dismantle the military bases installed in colonial Territories and to refrain from establishing new ones, particularly in Oman, Papua and the Trust Territory of New Guinea and the small Territories.

30. During the period under review, the General Assembly and the Special Committee continued the practice of bringing to the attention of the Security Council questions of international peace and security arising in colonial Territories. Specifically, the General Assembly recommended that the Security Council, with a view to the immediate implementation of resolution 1514(XV) in the Territories under Portuguese administration, should take effective steps in conformity with the relevant provisions of the Charter of the United Nations. In regard to Southern Rhodesia, the General Assembly recommended that the Security Council should take effective measures under Chapter VII of the Charter and that sanctions should be imposed on South Africa and Portugal, the Governments of which had blatantly refused to carry out the mandatory decisions of the Security Council concerning Southern Rhodesia.13

31. Essentially this paragraph addresses the question of international co-operation to assist the colonial peoples and to help the economic and social development of Non-Self-Governing Territories.

32. Up to the twentieth session, the General Assembly had called upon Member States as well as international organizations to provide various forms of assistance to the colonial peoples, to enable them to achieve self-government and independence. In addition the Assembly had called for assistance by UNHCR and other international relief organizations to refugees from the Territories. It had also appealed for the withholding from Portugal, South Africa and Southern Rhodesia, of any assistance that would enable them to continue their colonial rule, until they renounced their policy of racial discrimination and colonial domination. However, in the case of some specialized agencies the question of constitutional limitations on the withholding of assistance to a Member State arose. Both the World Bank and the International Monetary Fund consequently continued to grant new loans to the Governments of Portugal and South Africa. In consequence, as from the twenty-third session, the General Assembly placed on its agenda, as a separate item, the question of the implementation of the Declaration on decolonization by the specialized agencies and international institutions associated with the United Nations.

33. During the period covered by this study, the General Assembly also continued to request the United Nations High Commissioner for Refugees and other international relief organizations and specialized age-

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13 G A resolution 2383(XXIII).
cies concerned to provide economic, social and humanitarian assistance to the refugees from colonial Territories, particularly from Territories under Portuguese administration and Southern Rhodesia. With respect to refugees from Southern Rhodesia, the General Assembly further appealed to the specialized agencies and international relief organizations to aid and assist refugees in consultation with the Organization of African Unity and through it, with the national liberation movements in the Territories.

**Article 73e**

34. The list of Territories to which Chapter XI of the Charter and the Declaration on decolonization applied remained unchanged during the period under review, and the administering Powers concerned continued to transmit to the Secretary-General information on political and constitutional developments in Territories under their administration as well as to provide such information to the Special Committee for examination in accordance with its mandate from the General Assembly.

35. In response to a request made by the Secretariat, on behalf of the Special Committee, for information on military activities and arrangements in colonial Territories, the Permanent Missions of Australia, New Zealand, the United Kingdom and the United States asserted that, under Article 73e, administering Powers were not required to furnish such information, and questioned the competence of the Special Committee to deal with such matters. Consequently, they refused to comply with the request of the Secretariat.

36. In an exceptional development during the twenty-third session of the General Assembly, the Spanish Mission to the United Nations made available to the sub-committee of the Special Committee information on military activities and arrangements in Gibraltar under United Kingdom administration. Similarly, the United Kingdom Mission to the United Nations made available to the sub-committee similar information on Territories in Africa under Spanish administration.

37. During the period under review, the Special Committee continued to examine the information transmitted by the administering Powers to the Secretary-General under Article 73e in accordance with the procedures set forth in General Assembly resolutions 1654 (XV), 1810(XVII) and 1970(XVIII). In examining that information, the Special Committee collaborated with the Trusteeship Council, the Economic and Social Council, specialized agencies and international institutions associated with the United Nations.

38. As previously reported, during the early 1960s, the Special Committee, with the approval of the General Assembly, had already adopted the practice of reviewing annually the political, constitutional and other conditions in each of the Territories to which the Declaration on decolonization applied. For this purpose it extended the scope of the information to be used, beyond that transmitted under Article 73e, to include all published sources as well as petitions and oral statements made by petitioners in United Nations meetings.

39. Issues were again raised during the period under review as to the competence of the Fourth Committee in relation to specific Territories. One issue concerned the hearing of petitioners from Territories under Portuguese administration and a similar question arose in respect of petitioners from several Caribbean Territories which, it was considered, had already attained a full measure of self-government in association with the metropolitan country. The circulation of anonymous petitions was raised as an issue in the sub-committee of the Special Committee but no decision was taken; however, the practice was continued of not circulating petitions containing critical statements against Member States other than the administering Powers concerned. The issue of the United Nations visiting missions was raised in the cases of Fiji, Papua and the Trust Territory of New Guinea, and the small Territories, for the purpose of ascertaining the wishes of the inhabitants on the question of their future political status. Nevertheless, due to the refusal of the administering Powers concerned to receive such missions in the Territories under their respective jurisdictions, the Special Committee was unable to send a visiting mission to any of them during the period under review.

40. As in the past, the question of the competence of the General Assembly to determine whether or not certain Territories had attained self-government within the meaning of Chapter XI of the Charter and the Declaration on decolonization, continued to be raised in regard to specific Territories, on the issue of whether or not an obligation continued to exist to transmit information under Article 73e. In the case of the Caribbean Territories of Antigua, Dominica, Grenada, St Kitts-Nevis-Anguilla, St. Lucia and St. Vincent the issue was raised as to whether, as States associated with the United Kingdom, chapter XI continued to apply. Similar questions were raised with respect to the Comoro Archipelago, Hong Kong and Puerto Rico during the period under review. An issue also arose as to the competence of the Special Committee to consider conditions in Oman which had not, up to then, been included in the list of Territories to which the Declaration on decolonization applied.

**II. ANALYTICAL SUMMARY OF PRACTICE**

**A. Article 73a**

1. **Economic Advancement**

a. **Measures for economic development**

(i) **General**

41. As noted in Supplement No. 3, although the Declaration on decolonization asserts that inadequacy of economic preparedness should never serve as a pretext for delaying independence, the General Assembly has in specific cases made recommendations to the administering Powers concerned for the economic advancement of the inhabitants of Territories under their jurisdiction and has also requested the specialized agencies to provide financial and technical assistance to Non-Self-Governing Territories.

42. During the period under review, the General Assembly and the Special Committee made such recommendations with respect to Basutoland, Bechuanaland, Swaziland, Equatorial Guinea, Oman and the small Territories.
(ii) Basutoland, Bechuanaland and Swaziland

43. It may be recalled that the General Assembly, by resolution 2063(XX), noting with deep concern the economic and social situation prevailing in Basutoland, Bechuanaland and Swaziland and their imperative and urgent need for United Nations assistance, and having regard to the grave threat to the territorial integrity and economic stability of these Territories constituted by the policies of the current régime in the Republic of South Africa, had renewed its request that the administering Power should take immediate steps to return to the indigenous inhabitants all the land taken from them, whatever the form of or pretext for such alienation. It also decided to establish a Fund for the Economic Development of Basutoland, Bechuanaland and Swaziland, to be made up of voluntary contributions and to be administered by the Secretary-General in close consultation with the Governments of the three Territories and with the co-operation and assistance of the Special Fund, the Technical Assistance Board, the Economic Commission for Africa, and the specialized agencies concerned.

Decision

44. In resolution 2134(XXI), the General Assembly, noting that the contributions so far pledged had not been sufficient for the Fund for the Economic Development of Basutoland, Bechuanaland and Swaziland to be brought into operation, appealed to all States which had not done so to contribute to the Fund.

(iii) Equatorial Guinea

Decision

45. The General Assembly, by resolution 2230(XXI), recognizing the need for further measures to promote the economic, social and educational advancement of the people of Equatorial Guinea, requested the administering Power to establish, in law and in practice, full equality of political, economic and social rights; it also urged the administering Power to take effective measures, including increased assistance, to ensure the rapid economic development of the Territory and to promote the educational and social advancement of the people, and requested the specialized agencies to render all possible assistance towards that end.

(iv) Oman

Decision

46. The General Assembly, by resolution 2238(XXI), recognized that the natural resources of Oman belonged to its people and that the concessions given to foreign monopolies without the consent of the people constituted a violation of the rights of the people of the Territory; appealed to all Member States to render all possible assistance to the people of the Territory in their struggle to attain freedom and independence.

(v) Small Territories

Decision

47. The General Assembly, by resolution 2232(XXI), conscious that the situation in small Non-Self-Governing Territories required the continued attention and assistance of the United Nations for the achievement by the peoples of small Territories of their objectives, as embodied in the Charter of the United Nations and in the Declaration on decolonization, and aware of the special circumstances of geographical location and economic conditions concerning some of those Territories, decided that the United Nations should render all help to the peoples of those Territories in their efforts freely to decide their future status.

48. At its subsequent sessions, the General Assembly, in resolutions 2357(XXII), 2430(XXIII), and 2592 (XXIV), reiterated the relevant provisions contained in resolution 2232(XXI).

b. Activities of foreign economic and other interests impeding the implementation of the Declaration in Non-Self-Governing Territories

(i) General

49. The question of the role of foreign economic interests in impeding decolonization was first raised at the eighteenth session in connexion with the mining industry in South West Africa. In 1964 this issue was raised in respect of the Portuguese Territories and the Special Committee requested its sub-committee to study the question with the assistance of the Secretariat. At the twentieth session, the issue was raised in connexion with Southern Rhodesia.

50. During the period under review, the Special Committee continued to study the activities of foreign economic and other interests in these areas. At the twenty-first session, on the basis of a report of its sub-committee, the Special Committee concluded that, as the foreign interests in Southern Rhodesia, Namibia and the Territories under Portuguese administration were closely linked, their effects in one Territory had implications in the others. For these reasons, the sub-committee believed that it was necessary to consider as one problem the activities of economic and other interests in all these Territories.

51. In the circumstances the sub-committee, in its reports on Southern Rhodesia and on Territories under Portuguese administration, considered that the Special Committee should recommend that the General Assembly inscribe on its agenda at its twenty-first session as a matter of urgency the following item: "The activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, South West Africa, Territories under Portuguese administration and other colonial Territories".

52. The Special Committee adopted both reports with their conclusions and recommendations and trans-
Western Africa and Territories under Portuguese domination and in all other Territories under colonial administration had played and continued to play, through their activities, the consolidation of their power and their might, in certain circumstances, affect the decolonization process. The administering Powers and racist régimes which on balance were obviously beneficial; the sub-committee had not even tried to establish criteria for drawing such a distinction. In fact, the report seemed to imply that all foreign investment was somehow wrong. 57. Other representatives refuted the arguments of the administering Powers and supported 27 the conclusions and recommendations of the sub-committee. One representative in particular expressed the view 28 that despite certain marginal benefits which the population necessarily derived from them, foreign interests were an obstacle in the colonial countries to the progress of their peoples towards freedom and independence and that it was indeed no secret to anyone that foreign economic and financial circles had considerable influence with the administering Powers and that, when they exerted that influence, it was only to promote their own selfish and petty interests, thereby impeding the application of resolution 1514(XV) of the General Assembly.

58. Following the discussion, the Special Committee 29 adopted the report by a roll-call vote of 19 to 3, with 2 abstentions.

59. The General Assembly, at its twenty-second session, decided 30 to rephrase the title of the item it had included in its provisional agenda, as follows: "Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, South West Africa and Territories under Portuguese domination in all other Territories under colonial domination".

60. The Fourth Committee considered the report of the Special Committee. During the discussion, the administering Powers concerned, together with those representatives who supported the conclusions and recommendations of the Special Committee and other representatives, made statements 31 which generally reflected the views expressed in the Special Committee. Following the discussion, the Fourth Committee approved 32 a draft resolution 33 by a vote of 86 to 2, with 17 abstentions.

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26Ibid., para. 21.
27Ibid., U.S.S.R., paras. 29-37; Yugoslavia, paras. 38-39; Bulgaria, para. 40; Ethiopia, paras. 42-44; Poland, paras. 45-47; Mali, paras. 50-53; India, paras. 68-69; United Republic of Tanzania, paras. 75-81; Iraq, para. 82; Sierra Leone, paras. 83-87.
28Ibid., India, para. 68.
29Ibid., para. 94.
30Ibid., A/6939, para. 2.
31See footnotes 23-27 above.
32G A (XXII), Annexes, a.i. 24, A/6939, para. 10.
33Ibid., paras. 9 and 10; A/C4/L.875/Rev.1 and Add.1 and 2.
Decision

61. At the 1622nd plenary meeting, on 7 December 1967, the General Assembly, by a vote of 91 to 2, with 17 abstentions, adopted34 the draft resolution submitted by the Fourth Committee, as its resolution 2288(XXII). By this resolution, the General Assembly, inter alia, reaffirmed the inalienable right of the peoples of the colonial Territories to self-determination and independence and to the natural resources of their Territories, as well as their right to dispose of these resources in their best interests, and declared that the colonial Powers which deprived the colonial peoples of the exercise of their right to self-determination and independence; and urged all States concerned to cooperate fully with the United Nations in the rapid implementation of resolution 1514(XV) so as to ensure to the peoples the exercise of their right to self-determination and independence and to the use of the natural resources of their own Territories.

62. The Assembly further called upon the colonial Powers to review, in accordance with the provisions of Chapters XI and XII of the Charter and were impeding the full and prompt implementation of General Assembly resolution 1514(XV); furthermore, it strongly condemned the exploitation of the colonial Territories and peoples and the methods practiced in the Territories under colonial domination by the foreign financial, economic and other interests which were designed to perpetuate the colonial regimes contrary to the principles embodied in resolution 1514(XV); it deplored the policies of the colonial Powers which permitted the exploitation of the natural resources of the Territories under their administration contrary to the interests of the indigenous population and which promoted or tolerated unjust and discriminatory work systems and other practices and called upon all States concerned to fulfill their fundamental obligations to ensure that the concessions granted, the investments authorized and the enterprises permitted to their nationals in the Territories under colonial domination would not run counter to the present or future interests of the indigenous inhabitants of those Territories.

63. The General Assembly also called upon the colonial Powers to prohibit the following practices, which ran counter to the principles of the Charter, violated the economic and social rights of the peoples of the Territories under colonial domination and impeded the rapid implementation of resolution 1514(XV): (a) the exploitation of human and natural resources contrary to the interests of the indigenous inhabitants; (b) the obstruction of the access of the indigenous inhabitants to their natural resources; and (c) the promotion and tolerance of injustice and discrimination in the remuneration of labour and in the establishment of working conditions.

64. At its twenty-third and twenty-fourth sessions, the General Assembly, on the recommendations of the Special Committee on decolonization and the Fourth Committee, adopted resolutions 2425(XXIII) and 2554 (XXIV) in which it generally reiterated the relevant provisions of resolution 2288(XXII). The Assembly also requested the Special Committee on decolonization to continue to study the question and to report thereon to the General Assembly at its twenty-fifth session.

65. The General Assembly also adopted resolutions on Namibia, the Territories under Portuguese administration and Southern Rhodesia, containing provisions condemning the activities of foreign economic and other interests which were impeding the implementation of the Declaration in those Territories.35

(ii) Namibia

Decision

66. The General Assembly, in paragraph 6 of its resolution 2325(XXII), urgently appealed to all Member States, particularly the main trading partners of South Africa and those which had economic and other interests in South Africa and Namibia, to take effective economic and other measures designed to ensure the immediate withdrawal of the South African administration from the Territory of Namibia, thereby clearing the way for the implementation of General Assembly resolutions 2145(XXI) and 2248(S-V).

(iii) Territories under Portuguese administration

Decision

67. The General Assembly, by resolution 2184(XXI), noting with deep concern that the activities of foreign financial interests in the Territories under Portuguese administration which impeded the African people in the realization of their aspirations to freedom and independence continued undiminished, condemned the activities of the financial interests operating in the Territories which exploited the human and material resources of the Territories and impeded the progress of their peoples towards freedom and independence, and requested all States, and in particular the military allies of Portugal within the framework of the North Atlantic Treaty Organization, to take the necessary measures to put an end to such activities.

68. At its subsequent sessions, the General Assembly, by resolutions 2270(XXII), 2395(XXIII) and 2507 (XXIV), reiterated the relevant provisions contained in resolution 2184(XXI).

(iv) Southern Rhodesia

Decision

69. The General Assembly, by resolution 2151(XXI), noting with concern the increasingly harmful role played by those foreign monopolies and financial interests in Southern Rhodesia, condemned the activities of those foreign financial and other interests which, by supporting and assisting the illegal racist minority

34Ibid., A/6868 and Add.l, p. 128.

35G A resolutions 2426(XXIII) and 2555(XXIV).
régime in Southern Rhodesia, were preventing the African people of Zimbabwe from attaining freedom and independence in accordance with General Assembly resolution 1514(XV), and called upon the Governments of the States concerned to take all necessary measures to bring an end to such activities.

70. At its subsequent sessions, the General Assembly, in its resolutions 2262(XXII), 2383(XXIII) and 2508 (XXIV), reiterated the relevant provisions contained in resolution 2151(XX). 

2. EDUCATIONAL ADVANCEMENT

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

71. As has been reported, the General Assembly, by resolution 845(XI), had invited Member States to extend to the inhabitants of Non-Self-Governing Territories, their offers of facilities not only for study and training of university standard, but, in the first place, for study at the post-primary level as well as technical and vocational training of immediate practical value, and to report their offers to the Secretary-General.

72. In accordance with the procedure established in General Assembly resolution 1696(XVI), the Secretary-General communicated the offers made by Member States under resolution 845(IX) to the administering Powers to enable them to give appropriate publicity to the offers in the Territories under their administration. The applications for scholarship received by the United Nations Secretariat from the inhabitants of Non-Self-Governing Territories were transmitted simultaneously to the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the United Nations Office of the High Commissioner for Human Rights, the United Nations Office of the Commissioner for Legal Affairs and the United Nations Office of the Coordinator of Information.

73. During the period under review, the scholarship programme continued in operation and the Secretary-General, pursuant to General Assembly resolution 1696(XVI), the Secretary-General, communicated the offers made by Member States under resolution 845(IX) to the administering Powers to ensure the dissemination of information about the scholarships offered by Member States and to report to the General Assembly at its twenty-second session on the implementation of the resolution.

74. The General Assembly, by resolution 2234(XXI), urged Member States: (a) to continue to offer scholarships to the inhabitants of the Non-Self-Governing Territories; (b) to facilitate the travel of students from Non-Self-Governing Territories seeking to avail themselves of the educational opportunities which were offered to them; and (c) to take into account the necessity of furnishing complete information about the scholarships offered and the need to provide whenever possible, travel funds for prospective students. The General Assembly invited the administering Powers concerned and the specialized agencies to co-operate with the Secretary-General in the dissemination of information about the scholarships. It also invited the administering Powers concerned to take all measures necessary to ensure that all scholarships and training facilities offered by Member States were utilized by the inhabitants of the Non-Self-Governing Territories and to render effective assistance to those persons who had applied for, or had been granted, scholarships or fellowships, particularly by facilitating their travel formalities.

75. The General Assembly also requested the Secretary-General to ensure the dissemination of information about the scholarships offered by Member States and to report to the General Assembly at its twenty-second session on the implementation of the resolution. 

76. In resolutions 2352(XXII), and 2423(XXIV), the General Assembly reaffirmed, or reiterated the provisions contained in resolution 2234(XXI).

b. United Nations Educational and Training Programme for Southern Africa

77. During the period covered by the Repertory, Supplement No. 3, the United Nations had established special educational and training programmes for Namibia, a special training programme for Territories under Portuguese administration, and an educational and training programme for South Africans in accordance with General Assembly resolutions 1705(XVI) and 1808 (XVII), and the Security Council resolution 191(1964), respectively.

78. At the twenty-first session of the General Assembly, the Fourth Committee considered the reports of the Secretary-General on educational and training programmes for Namibia and on special training programmes for Territories under Portuguese administration. In his reports, the Secretary-General stated that because certain problems had arisen in connexion with the selection, placement and subsequent supervision of students under the two programmes, a field survey had been undertaken by a senior official of the Secretariat with a view to finding a practical solution for those problems and thus promoting the objectives for which the programmes were established. The Secretary-General further stated that, in response to the findings of the field survey, the administrative machinery for the implementation of the programmes had been reorganized and arrangements for improved co-ordination with similar programmes administered by other departments of the Secretariat and international agencies were under consideration.

79. The Fourth Committee, therefore, decided to consider the two programmes together. During the discussion, it was proposed that the Secretary-General should be requested to study, in consultation with the United Nations High Commissioner for Refugees, the Director-General of UNESCO, and heads of other appropriate agencies and organs, the question of consolidation and an integration of the United Nations special educational and training programmes for Namibia and for Territories under Portuguese administration and the educational and training programme for South Africans. It was also suggested that the Secretary-General might wish to consult with Member States.
which had a special interest in the programmes either as host countries or as donors.

80. The sponsor of the proposal emphasized that the integration and consolidation of the programmes was necessary to raise their influence and effectiveness to the highest possible level. In support of the proposal, one representative stated that the international community must do its utmost to ensure that everyone received an education and to help countries in need of such assistance to reduce their backwardness in that sphere and expressed the view that the proposed consolidation and integration of the programmes would undoubtedly help to remove those negative features reported by the Secretary-General. Another representative considered that decolonization throughout the world should go forward hand in hand with education.

81. It was also proposed that a committee should be established which would advise the Secretary-General and would be composed of States contributing to the programmes, countries which had promised substantial support to that programme and neighbouring countries receiving refugees from the Territories concerned. Countries which were critical of the programme would also serve on the committee.

82. The Fourth Committee, by a vote of 73 to 2, with 1 abstention, approved a draft resolution on the question of the consolidation and integration of the special educational and training programmes for Namibia, the special training programme for Territories under Portuguese administration and the educational and training programme for South Africans.

**Decision**

83. At its 1500th plenary meeting, on 20 December 1966, the General Assembly, by a vote of 112 to 2, with 1 abstention, adopted the draft resolution submitted by the Fourth Committee as its resolution 2235(XXI). By this resolution, the General Assembly, holding the view that the question of consolidating and integrating those programmes should be considered in order to ensure increased efficiency and to promote further the development and expansion of the educational and training assistance thereunder, requested the Secretary-General to study, in consultation with the United Nations High Commissioner for Refugees, the Director-General of UNESCO, the heads of other appropriate agencies and organs, and the Administrative Secretary-General of the Organization of African Unity, the question of consolidating and integrating the special educational and training programmes in respect of Namibia, the Territories under Portuguese administration and South Africa. Such a consolidation and integration would not only increase efficiency but would promote the further development and expansion of the assistance granted under these programmes. The Secretary-General also pointed out that he had already taken certain measures aimed at administrative integration of those programmes which had previously been administered separately.

87. The Fourth Committee considered the report of the Secretary-General and, in the light of the Secretary-General’s recommendations, proposed that the General Assembly should decide to consolidate and integrate the three programmes and to extend the facility to students from Southern Rhodesia.

88. In support of the proposal, one representative expressed the view that the objective was to help the Territories in southern Africa to prepare for independence in a particularly effective way, education being one of the best means of liberation available to colonial peoples.

89. In opposing the proposal, the representative of South Africa raised the issue as to why the United Nations should embark on an elaborate and costly programme for the education and training of South Africans and Namibians, when the existing facilities in those countries were adequate, instead of concentrating its limited resources in areas where the need was urgent. He expressed the view that the programmes in question were nothing more than a facet of the political campaign which some Member States had been pursuing against South Africa for a number of years. He also asserted that the concept of an educational and training programme for South Africa and Namibia was an affront to his country and could not be justified or legalized on the basis of any provision of the Charter.

90. Following the discussion, the Fourth Committee approved the draft resolution by a vote of 83 to 2, with 1 abstention. In explanation of his negative vote, the representative of Portugal stated that his Government was making tremendous efforts to expand its educational facilities at all levels and to promote the provision of education to all sectors of the overseas population, special attention being paid to those living in rural conditions.


85. *Ibid.,* Iran, para. 11.


87. *Ibid.,* 1673rd mtg., Guinea, para. 3.


91. *G A (XXI),* Annexes, a.i. 65, 67 and 68, A/6890.

92. *Ibid.,* para. 56.


95. *Ibid.,* Iran, para. 12.

96. *Ibid.,* 1755th mtg., South Africa, paras. 78 and 79.


areas. He expressed the view that, to bypass the Portuguese authorities and award scholarships to Portuguese students inducing them to pursue their studies outside their own country, was an act which was clearly prompted by political considerations and was unacceptable to his delegation.

Decisions

91. At its 1641st plenary meeting, on 19 December 1967, the General Assembly, by a vote of 113 to 2, with 1 abstention, adopted the draft resolution submitted by the Fourth Committee as its resolution 2249(XXII). By this resolution, the Assembly, inter alia, (a) decided to integrate the special educational and training programmes for Namibia, the special training programme for Territories under Portuguese administration, and the educational and training programme for South Africans; (b) decided further to include in the United Nations Training and Educational Programme assistance to persons from Southern Rhodesia, provided that that was done only in so far as it did not interfere with existing United Nations schemes for educational assistance for such persons and that it was done with due regard to Security Council resolutions 216(1965) and 217(1965) relating to non-recognition of the illegal régime in Southern Rhodesia; (c) requested the Secretary-General to include in the programme the granting of subsidies to educational and training institutions in Africa in order to enable those institutions to provide places for persons who came under the programme and to make it possible for those persons to be trained in Africa as far as practicable; (d) requested the President of the General Assembly to nominate seven Member States, each of which should appoint a representative to serve on a committee which would advise the Secretary-General on the granting of such subsidies; (e) decided that the programme should be financed from a trust fund made up of voluntary contributions and that, at least initially, those contributions should be entirely for the operational cost of the programme; and (f) requested the Secretary-General to report to the General Assembly at its twenty-third session on the progress of the programme.

92. At its twenty-third session, the General Assembly, by resolution 2431(XXIII), strongly convinced that the constitutional changes contemplated by the administering Power would foment separatist tendencies and stand in the way of the political, economic and social integration of the people as a whole, and invited the Government of the United Kingdom, as the administering Power, to implement the resolutions of the General Assembly immediately, and to take, as a matter of urgency, measures to repeal all discriminatory laws and to establish an unqualified system of democratic representation based on the principle of one man, one vote.

93. At its twenty-fourth session, the General Assembly, by resolution 2557(XXIV), reiterated the relevant provisions concerning financial contributions contained in resolution 2431(XXIII).

3. SOCIAL ADVANCEMENT

a. Elimination of racial discrimination, segregation and apartheid

94. The question of human rights in all its aspects in the Non-Self-Governing Territories has generally been discussed in the Special Committee in the context of the Declaration on decolonization which, in its first paragraph states that: “The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights”. In consequence, particularly in Southern Rhodesia and the Territories under Portuguese administration, the principle issue from the outset was the right of the peoples to self-determination and independence, and not the question of racial discrimination which was considered the expression or product of colonialism.

95. During the period under review specific issues of racial discrimination were raised in the cases of Fiji and Papua.

(i) Fiji

96. As has been reported, the General Assembly, by resolution 2068(XX), considered that the constitutional changes contemplated by the administering Power would foment separatist tendencies and stand in the way of the political, economic and social integration of the people as a whole, and invited the Government of the United Kingdom, as the administering Power, to implement the resolutions of the General Assembly immediately, and to take, as a matter of urgency, measures to repeal all discriminatory laws and to establish an unqualified system of democratic representation based on the principle of one man, one vote.

97. During the discussion in the Special Committee at the twenty-first session of the General Assembly, the representative of the administering Power stated that, as a result of the decisions taken at the Constitutional Conference in 1965, a new electoral system would be introduced by which the Legislative Council would, for the first time, be elected by all three communities: Fijians, Indians and Europeans. He emphasized that his Government’s aim had been to encourage co-operation and trust among all the peoples, irrespective of their ethnic origin. The decisions of the Conference were designed to help achieve that aim, while maintaining progress in the direction of internal self-government.

98. In response, one representative pointed out that the General Assembly, by resolution 1951(XVIII), had invited the administering Power to work out a new constitution providing for free elections conducted on the principle of one man, one vote and for the creation of representative institutions. Instead, even after three years, the administering Power had introduced an electoral system which divided the people of Fiji on communal and racial lines and provided certain entrenched interests, particularly the Europeans, with greater voting powers than the rest of the population. Another

59G A (XXII), Annexes, a.i. 65, 67 and 68, A/6890, p. 25.


61G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, chap. VIII, paras. 32 and 33.

62Ibid., India, para. 41.
representative observed that the representative of the administering Power had claimed that steps could not be taken in the light of the views expressed at the Fourth Committee, which had adopted a resolution on the question of Fiji. The representative of the administering Power had also said that the United Kingdom had received representations from the inhabitants of Fiji, which had appeared in the Special Committee on Decolonization. The representative of the United Kingdom had also said that the United Kingdom had taken into consideration the views expressed by the inhabitants of Fiji, which had appeared in the Special Committee on Decolonization.

99. Following the discussion, the Special Committee, by a vote of 20 to 3, with 1 abstention, adopted a resolution which, inter alia, called upon the Government of the United Kingdom to abolish all discriminatory measures so as to foster communal harmony and national unity in the Territory.

100. During the consideration of the question of Fiji in the Fourth Committee, it was stated that the so-called cross-voting and communal representation system introduced in Fiji were discredited measures which tended to encourage disunity by alienating the masses from the concept of national unity by strengthening factional and communal segregation, in order to apply the colonialist maxim of “divide and rule”. The objective of the administering Power should be to promote multiracialism and to stress the factor which united the various groups in nation-building rather than the differences between them. The communal voting system had no place in the twentieth century and was contrary to the Charter of the United Nations and to the Universal Declaration of Human Rights. The representative of the United Kingdom, however, stated that efforts had been made to proceed by general agreement towards democratic forms of government, along lines that would avoid communal conflict, and to encourage a non-communal and non-racial approach to political life, in fulfilment of the obligations laid down in Chapter XI of the Charter, which emphasized the need to take into account of the particular circumstances and needs of the inhabitants and to avoid over-simplified generalizations in dealing with complex situations.

101. During consideration of a draft resolution, one representative proposed to delete the operative paragraph concerning the holding of elections, the fixing of a date for independence, and the abolition of discriminatory measures, on the grounds that the United Nations should first send a fact-finding mission to Fiji to assess the condition there and only thereafter take appropriate measures so as to foster communal harmony and national unity.

102. Following the discussion, the Fourth Committee, by a vote of 58 to 27, with 17 abstentions, rejected the amendment to delete paragraph 4 of the draft resolution. Thereupon, the Committee, by a vote of 76 to 6, with 17 abstentions, approved the draft resolution.

Decision

103. The General Assembly, by a vote of 78 to 6, with 17 abstentions, adopted resolution 2185(XXI), by which it called upon the administering Power to abolish all discriminatory measures so as to foster communal harmony and national unity in the Territory and to hold general elections on the basis of one man, one vote, in accordance with the principle of universal adult suffrage for the purpose of forming a constituent assembly, which would be charged with the task of drawing up a democratic constitution.

104. Subsequently, the Assembly, in resolution 2350 (XXII), reaffirmed its resolution 2185(XXI).

(ii) Papua and the Trust Territory of New Guinea

105. As has been reported, the General Assembly, by resolution 2112(XXI), reaffirmed the inalienable right of the people of Papua and the Trust Territory of New Guinea to freedom and independence and called upon the administering Power to implement resolution 1514 (XV) fully.

106. During the discussion in the Special Committee in 1967, it was pointed out that, although the Administering Authority claimed that it was doing everything possible to eradicate racial discrimination in the Territories, the laws in force testified to the fact that the Administering Authority itself was to a certain extent responsible for the existence of racial discrimination in those Territories. In support of this contention, reference was made to the Act of 1964 concerning civil servants which had established a salary scale under which Australians received a larger salary than the indigenous inhabitants. It was further pointed out that discriminatory practices also existed in the Territory with respect to education, particularly technical education.

107. The representative of the Administering Authority stated that efforts were being made to eliminate discriminatory practices along the lines that would avoid communal conflict, and to encourage a non-communal and non-racial approach to political life, in fulfilment of the obligations laid down in Chapter XI of the Charter, which emphasized the need to take into account of the particular circumstances and needs of the inhabitants and to avoid over-simplified generalizations in dealing with complex situations.

108. The Special Committee did not make any specific recommendation to the General Assembly on the question of racial discrimination in the Territories.

109. During the consideration of the question of Papua and the Trust Territory of New Guinea in the Fourth Committee, it was stated that racialism was widespread in Papua and New Guinea, as had been shown by a report, signed by sixteen prominent New Guineans, which had appeared in The Australian of...
29 June 1966. The administering Power was, therefore, urged to abolish all discriminatory practices in the economic, social, health and educational fields. The representative of Australia, however, maintained that all existing legislation of Papua and New Guinea had been revised and any reference which might be considered as discriminatory had been deleted. Australia's policy was based on the strict implementation of that legislation.

110. Following the discussion, the Fourth Committee, by a vote of 59 to 15, with 11 abstentions, approved a paragraph concerning, inter alia, abolition of all discriminatory practices in the economic, social, health and educational fields for inclusion in a draft resolution as its paragraph 4. The Committee, by a vote of 61 to 6, with 17 abstentions, then approved the draft resolution as a whole.

**Decision**

111. On the recommendation of the Fourth Committee, the General Assembly, by a vote of 81 to 8, with 24 abstentions, adopted resolution 2227(XXI), by which it noted with grave concern the discriminatory practices in the Territories and called upon the administering Power to abolish all discriminatory practices in the economic, social, health and educational fields. Subsequently, the Assembly, in resolutions 2348(XXII), 2427(XXIII) and 2590(XXIV), reaffirmed that resolution.

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

(i) General

112. In the Declaration on decolonization, the General Assembly affirmed that colonial peoples might, for their own ends, freely dispose of their natural wealth and resources. Thus, in the case of the Portuguese Territories, one of the issues considered at the twentieth session was the policy of Portugal in the settlement of foreign immigrants in the African Territories. In resolution 2105(XX), the Assembly expressed its concern about the policy of colonial Powers to circumvent the rights of colonial peoples through the promotion of the systematic influx of foreign immigrants and the dislocation, deportation and transfer of the indigenous inhabitants, and called upon the colonial Powers to discontinue that policy.

113. During the period under review, the General Assembly reaffirmed its condemnation of such policies. Thus, on the recommendation of the Third Committee, the General Assembly, by resolution 2144(XXI) on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and Territories, regretted the policy pursued by colonial Powers in order to circumvent the rights of peoples under their rule through the promotion of the systematic influx of foreign immigrants, and the dislocation, dispossession, deportation and eviction of the indigenous inhabitants, and urged all States to take effective measures, in accordance with the provisions of the Charter, the General Assembly resolutions pertaining to human rights, and the relevant Security Council resolutions, for the suppression of the policies of apartheid and segregation and for the elimination of racial discrimination wherever it occurred, especially in colonial and other dependent countries and Territories.

114. Similarly, the General Assembly, by resolutions 2189(XXII), 2326(XXII), 2465(XXIII) and 2548(XXIV) on the implementation of the Declaration on decolonization, condemned the policies pursued by certain administering Powers in the Territories under their domination, of imposing non-representative régimes and constitutions, strengthening the position of foreign financial and economic interests, misleading world public opinion and encouraging the systematic influx of foreign immigrants while displacing, deporting and transferring the indigenous inhabitants to other areas, and called upon those Powers to desist from such manoeuvres.

115. The General Assembly also adopted resolutions condemning such policies pursued by the administering Powers concerned in the Territories under Portuguese administration and in Southern Rhodesia.

(ii) Territories under Portuguese administration

116. As has been reported, the General Assembly, by its resolution 2107(XX) of 21 December 1965, inter alia, condemned the policy of the Government of Portugal which violated the economic and political rights of the indigenous population by the establishment on a large scale of foreign immigration in the Territories and by exporting workers to South Africa.

117. During the twenty-first session of the General Assembly, the Special Committee again considered the issue and adopted a resolution reaffirming, inter alia, the relevant provisions contained in General Assembly resolution 2107(XX). However, during the consideration of the question of Territories under Portuguese administration in the Fourth Committee, a draft resolution was introduced, by paragraph 3 of which it reaffirmed the relevant provisions contained in General Assembly resolution 2107(XX) with the addition of the words “as a crime against humanity”.

118. During the discussion, one representative pointed out that the draft resolution condemned the settlement of foreign immigrants, who were always given the best lands from which the indigenous population was expelled, and the export of workers to South Africa, often against their will. He recalled the earlier condemnations of such actions of the Government of Portugal by the International Labour Organisation and the General Assembly and asserted that those actions were indeed crimes against humanity as defined in Article 6 of the Charter of the International Military Tribunal, 1945.

119. The representative of Portugal denied the allegations. The representative of South Africa, however,
argued that voluntary export of workers was practised in many countries and it was difficult to see why the sponsors of the draft resolution should single out for criticism the recruitment, on a voluntary contractual basis, of workers from neighbouring countries for employment in South Africa.

120. Following the discussion, the Fourth Committee approved paragraph 3 of the draft resolution by a roll-call vote of 71 to 13, with 20 abstentions. The draft resolution as a whole was adopted by 76 votes to 12, with 16 abstentions.

**Decision**

121. The draft resolution recommended by the Fourth Committee was adopted by the General Assembly as its resolution 2184(XXI) whereby, inter alia, it condemned, as a crime against humanity, the policy of the Government of Portugal, which violated the economic and political rights of the indigenous population by the settlement of foreign immigrants in the Territories and by exporting African workers to South Africa, and called upon that Government to cease those practices immediately. Subsequently, the Assembly, in its resolutions 2270(XXII), 2395(XXIII) and 2507(XXIV) reaffirmed the provisions contained in its resolution 2184(XXII).

(iii) **Southern Rhodesia**

122. The General Assembly, by resolution 2508(XXIV), condemned the policies of those States which made it possible for their nationals to emigrate to Southern Rhodesia in violation of Security Council resolution 253(1968) of 29 May 1968.

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

a. **Protection of human rights**

123. During the twenty-third resolution of the General Assembly, the Special Committee closely followed the work of the Commission on Human Rights in relation to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid with particular reference to colonial and other dependent countries and Territories, as well as the Commission’s consideration of the reports of the Special Rapporteur on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism and on the study of racial discrimination in southern Africa. Further, during the twenty-second session of the General Assembly, the Special Committee took into account the "Study of Apartheid and Racial Discrimination in Southern Africa", submitted by the Special Rapporteur, appointed under resolution 7(XXIII) and 3 E (XXIV) of the Commission on Human Rights, as well as the report of the Ad Hoc Working Group of Experts on the treatment of prisoners in southern Africa, transmitted to the Committee in pursuance of resolution 1424(XLVII) of the Economic and Social Council.

124. In response to a telegram, dated 13 August 1968, addressed to the Secretary-General by the Secretary-General of Partido Africano da Independencia da Guinea e Cabo Verde (PAIGC) reporting gross violations of human rights committed by Portugal in Guinea (Bissau), the Special Committee adopted a resolution on 23 September 1968. In that resolution, the Special Committee expressed its grave concern at the report that, in addition to bombing of all kinds including the use of napalm and white phosphorus, the Government of Portugal was actively preparing to employ chemical defoliants and poison gas against the people of Guinea (Bissau); recalled that in several previous resolutions both the General Assembly and the Special Committee had strongly condemned the colonial war being waged by Portugal against the people of Guinea (Bissau); requested its Rapporteur to take all appropriate measures to study and report on the use of weapons of mass destruction and all other aspects of the colonial war, particularly in Guinea (Bissau); appealed to all States to do everything in their power to prevent the possible use of weapons of mass destruction in, and to bring about the cessation of this inhuman war; and requested its Chairman to transmit the text of the resolution to the President of the Security Council and to the Chairman of the Commission on Human Rights.

125. Accordingly, the text of that resolution was transmitted, on 27 September 1968, to the Chairman of the Commission on Human Rights.

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

126. At the twenty-third session of the General Assembly, the question of the application of the 1949 Geneva Conventions to prisoners from national liberation movements in Non-Self-Governing Territories was raised during the consideration of the situation in Territories under Portuguese administration and in Southern Rhodesia.

(i) **Territories under Portuguese administration**

127. During the twenty-first session of the General Assembly, the Special Committee considered the question of Territories under Portuguese administration and adopted a resolution on 24 June 1969 whereby, inter alia, it called upon the Government of Portugal, in view of the armed conflict prevailing in the Territories, to apply the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949. Pursuant to that resolution, the Fourth Committee recommended that the General Assembly should call upon the Government of Portugal, in view of the armed conflict prevailing in the Territories and the inhuman treatment of prisoners, to ensure the application of that Convention.

128. In support of the proposal, one representative stated that Portugal was waging a colonial war in...
order to perpetuate its rule over the Territories under its administration. It was using intolerable methods against the people of Portuguese Guinea and had not hesitated to have recourse to mercenaries. The chief hope of the people of Angola, Mozambique and Portuguese Guinea, however, rested on their own efforts to obtain liberation by whatever means at their disposal. In that connexion, as in the case of freedom fighters in Southern Rhodesia, the provisions of the Geneva Convention should be applied to freedom fighters in Territories under Portuguese administration.

129. Several members opposed the proposal and it was suggested that further and more extensive studies of a legal nature would have to be made before any definite opinion could be pronounced on the question. Furthermore, it was questioned whether it was appropriate to invoke the Geneva Convention in the case under consideration.

130. In response, one representative pointed out that paragraph 12 of the draft resolution had been worded with particular care and his delegation wished to dispel the doubts of the Fourth Committee concerning the applicability of the Geneva Convention.

131. Following the discussions, the Fourth Committee, by a vote of 96 to 3, with 13 abstentions, approved a draft resolution on the question of Territories under Portuguese administration, incorporating therein an operative paragraph concerning the applicability of the Geneva Convention to prisoners from national movements in Territories under Portuguese administration.

Decision

132. At its 1730th plenary meeting, on 29 November 1968, the General Assembly, by a vote of 85 to 3, with 15 abstentions, adopted the draft resolution submitted by the Fourth Committee, as its resolution 2395 (XXIII). By operative paragraph 12 of the resolution, the Assembly called upon the Government of Portugal, in view of the armed conflict prevailing in the Territories and the inhuman treatment of prisoners, to ensure the application to that situation of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949.

(ii) Southern Rhodesia

133. During the consideration of the question of Southern Rhodesia in the Fourth Committee, it was proposed that the General Assembly should call upon the Government of the United Kingdom, in view of the armed conflict prevailing in the Territory and the inhuman treatment of prisoners, to ensure the application to that situation of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949.

134. In support of the proposal, one representative stated that the proposal in question should make it quite clear that those who were fighting for the national liberation of their own country against an illegal and usurping régime could not be regarded as belligerents. In the opinion of his delegation, it was the principle of the Geneva Convention and others concerning the treatment of prisoners that should be applied and not the conventions themselves, since it would be scandalous to suppose that the people of Southern Rhodesia were to be regarded as prisoners in their own native land.

135. In opposing the proposal, one representative stated that his delegation had already had occasion to refer to the obligation to give prisoners of war every humanitarian treatment, especially when they had been deprived of freedom in the course of a struggle which the United Nations had declared legitimate. Nevertheless, considering the special circumstances of the situation in the Territory, it had serious reservations of a technical and juridical nature about the proposal, for it did not consider that the Geneva Convention was applicable to a situation of that type. Another representative expressed the view that the issue raised complex and delicate legal questions and predetermed the attitude of the Security Council which should be left to decide the question. It was also suggested that it was not precisely a war which was being waged in Southern Rhodesia and that the inclusion of the Geneva Convention concept in a resolution could have a negative effect.

136. In clarifying the views expressed, another representative stated that he wished to set at rest the doubts voiced by some delegations about the applicability of the 1949 Geneva Convention to the situation; in particular, Article 3 of the Convention specifically referred to its applicability to just such a situation. He emphasized that the application of the Geneva Convention to the situation did not in any way confer any legality on the racist minority régime in Southern Rhodesia.

137. Following the discussion, the Fourth Committee, by a vote of 89 to 9, with 15 abstentions, approved a draft resolution on the question of Southern Rhodesia, incorporating therein an operative paragraph concerning the applicability of the 1949 Geneva Convention.

Decision

138. At its 1710th plenary meeting, on 7 November 1968, the General Assembly, by a vote of 86 to 9, with 19 abstentions, adopted the draft resolution submitted by the Fourth Committee, as its resolution 2383 (XXIII). By operative paragraph 12 of the resolution, the Assembly called upon the United Kingdom, in view of the armed conflict prevailing in the Territory and the inhuman treatment of prisoners, to ensure the application to that situation of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949.

139. The question was raised again in the Fourth Committee at the twenty-fourth session of the General Assembly. During the discussion, one representative denounced the torture of freedom fighters captured by the régime in Southern Rhodesia and proposed that the General Assembly should invoke the 1949 Geneva Conventions relative to Treatment of Prisoners of War.
and the Protection of Civilian Persons in Time of War and make them applicable to the situation in Southern Rhodesia. There was no significant discussion on the issue during the consideration of the draft resolution, which the Fourth Committee approved by a vote of 79 to 8, with 17 abstentions.

Decision

140. At its 1816th plenary meeting, on 21 November 1969, the General Assembly, by a vote of 83 to 7, with 20 abstentions, adopted the draft resolution submitted by the Fourth Committee, as its resolution 2508 (XXIV). By paragraph 11 of the resolution, the Assembly called upon the Government of the United Kingdom, in view of the armed conflict in the Territory and the inhuman treatment of prisoners, to ensure the application to that situation of the 1949 Geneva Conventions relative to the Treatment of Prisoners of War and relative to the Protection of Civilian Persons in Time of War.

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

141. The question of the activities of international mercenaries in Territories under Portuguese administration was raised in the Security Council during 1966 and 1967. In response to complaints by the Democratic Republic of the Congo, the Security Council, by its resolutions 226(1966) and 239(1967), urged the Government of Portugal not to allow foreign mercenaries to use the Territory of Angola under its administration as a base of operation for their armed attacks against the Democratic Republic of the Congo, and called upon Portugal to put an end immediately to the provision to the mercenaries of any assistance whatsoever.

142. At the twenty-third session of the General Assembly, the question of using international mercenaries against the national liberation movements in Non-Self-Governing Territories was raised in the Fourth Committee during its consideration of the Territories under Portuguese administration and the implementation of the Declaration on decolonization.

143. The representative of the Mozambique Liberation Front (FRELIMO), who appeared as a petitioner in the Declaration on decolonization, stated that the African continent was witnessing a new phase of colonialism and imperialism in the form of international mercenaries who were being used by colonialists and imperialists with two objectives in view: to impede the process of national liberation of the colonial peoples; and to restore the colonial order in the independent States of Africa. The presence of mercenary forces used against an independent country, as in the case of the Democratic Republic of the Congo or against colonial peoples fighting for their rights and independence, as in the case of Mozambique, constituted a crime and a violation of the fundamental principles advocated by the Charter of the United Nations. In view of the criminal nature of the actions of those international mercenaries, there was a need for the General Assembly, upon the recommendation of the Fourth Committee, to declare at its twenty-third session that the hiring and training of mercenaries for colonialist and imperialist adventures was a crime punishable by international law.

144. The representative of FRELIMO, therefore, proposed that the General Assembly, in a special resolution, should declare the training and hiring of mercenaries for colonialist and imperialist adventures to be a crime, and the mercenaries themselves to be criminals under international law, as their activities endangered international peace and security.

145. He also emphasized that such a resolution would be a great moral support for the people struggling for their national independence and for the already independent States.

146. In support of the proposal made by the representative of FRELIMO, some representatives expressed the view that the hiring and training of mercenaries for colonialist and imperialist adventures was a crime which should be made punishable under international law, that the United Nations should strongly condemn the use of mercenaries against the national liberation movements in the Territories under Portuguese administration, and that the General Assembly should call upon Member States to take appropriate legislative measures to prohibit the recruitment, training and transit of their nationals as mercenaries and to prevent their nationals from giving any assistance to mercenaries.

147. In response, the representative of Portugal stated that there was no basis for the allegations made against his country. He asserted that his Government’s actions in response to attacks by neighbouring States was limited to self-defence and the protection of the lives and property of the population which by no means involved oppression, repression or a threat to international peace and security. Moreover, that situation was forced upon Portugal by those who aided, organized and financed violence against his country.

148. Following the discussion, the Fourth Committee, by a roll-call vote of 96 to 3, with 13 abstentions, approved a draft resolution on the question of Territories under Portuguese administration, incorporating therein a paragraph concerning the prohibition of mercenary activities in the Territories.

Decision

149. At its 1730th plenary meeting, on 29 November 1968, the General Assembly, by a vote of 85 to 3, with 15 abstentions, adopted the draft resolution submitted by the Fourth Committee, as its resolution 2395 (XXIII). In paragraph 9 of the resolution, the Assembly urgently appealed to all States to take all measures to prevent the recruitment or training in their Territories of any persons as mercenaries for the colonial war being waged in the Territories under Portuguese adminis-

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116Ibid., No. 973, p. 288.
117Ibid., A (XXIV), Annexes, a.i. 102, A/7759, paras. 9 and 10; A/C.4/L.936 and Add.1 and 2.
118Ibid., A/7759, para. 11.
119Ibid., p. 3.
120See footnotes 115 and 116 above.
121Ibid., A (XXVI), Annexes, a.i. 23/Addendum, A/7200/Rev.1, chap. VIII, annex 1, para. 3.
122Ibid., A (XXIII), 4th Comm., 1773rd mtg., paras. 19-22.
tion and for violations of the territorial integrity and sovereignty of the independent Africa States.

150. A similar question was also raised during the consideration of the implementation of the Declaration in the plenary meeting of the General Assembly at the same session. During the discussion, some representatives stated that the use of foreign mercenaries in colonial wars should be vigorously condemned and prohibited. Mercenaries were being used by the imperialists and colonial forces, particularly in southern Africa, to combat the national liberation movements and to restore colonial conditions in independent African States. The practice of using mercenaries must be declared a crime, mercenaries themselves must be declared criminals, and all States must be called upon to take appropriate steps, including legislative measures in their Territory. One representative in particular suggested that it would be just if people who had been harmed by the activities of mercenaries were given the right to claim compensation for their losses from the countries and organizations responsible for the mercenaries activities.

151. It was also pointed out that the practice of using mercenaries in the Territories under Portuguese administration continued despite the Security Council resolutions. Furthermore, the earlier General Assembly resolution 2395(XXIII) on the question of Territories under Portuguese administration contained an urgent appeal to all States to take all measures to prevent the recruitment or training in their Territories of any persons as mercenaries for the colonial war being waged in the Portuguese colonies.

152. In the course of the consideration of the draft resolution on implementation of the Declaration, the representative of the Soviet Union, on behalf of the group of Socialist States, proposed an amendment to the draft resolution by which the General Assembly would declare “that the practice of using mercenaries against movements for national liberation and independence is a punishable crime and that mercenaries themselves are criminals and outlaws” and call “upon the Governments of all countries to adopt laws declaring the recruitment and training of mercenaries in their Territories to be punishable crimes and prohibiting their citizens from accepting employment as mercenaries”.

153. In support of his amendment, the representative of the Soviet Union stated that the General Assembly should condemn the practice of using mercenaries to suppress national liberation and independent movements. It was a matter of common knowledge that forces of colonialism and imperialism were employing every possible method to suppress those movements; wherever they found direct influence inconvenient, they used mercenaries with whose assistance they tried to arrest the process of national liberation in the colonies and to restore colonial régimes in independent African and other countries.

Decision

154. At its 1751st plenary meeting, on 20 December 1968, the General Assembly, by a vote of 53 to 8, with 43 abstentions, accepted the amendment submitted by the Soviet Union. Thereupon, the Assembly, by a vote of 53 to 7, with 17 abstentions, adopted the draft resolution, as amended, as its resolution 2465(XXIII).

155. In paragraph 8 of the resolution, the General Assembly declared that the practice of using mercenaries against movements for national liberation and independence was punishable as a criminal act and that the mercenaries themselves were outlaws, and called upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories to be a punishable offense and prohibiting their nationals from serving as mercenaries.

156. In explanation of their votes, some representatives made reservations with respect to paragraph 8 of the resolution.

157. At its twenty-fourth session, the General Assembly, by paragraph 7 of its resolution 2548(XXIV), reiterated the provisions contained in paragraph 8 of resolution 2465(XXIII) concerning the prohibition of the use of mercenaries against national liberation movements.

B. Article 73b

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

a. General

158. Under Article 73b, Members which administer Non-Self-Governing Territories accept as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of the Territories and to that end, “to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each Territory and its peoples and their varying stages of advancement.

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

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

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

160. Since the adoption of the Declaration on decolonization in 1960, the Assembly has gradually established

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130Ibid., Plen., 1743rd mtg., Byelorussian SSR, para. 75; 1746th mtg., Czechoslovakia, para. 69.
131Ibid., Byelorussian SSR, para. 75.
132Ibid., USSR, para. 100.
133Bulgaria, the Byelorussian SSR, Czechoslovakia, Mongolia, Hungary, the Ukrainian SSR, Poland and the USSR. See G A (XXIII), Plen., 1749th mtg., para. 85.
134G A (XXIII), Plen., 1749th mtg., para. 90.
135Ibid., para. 85.
136Ibid., 1751st mtg., para. 134.
137Ibid., para. 139. 17 abstentions.
138Ibid., Chile, para. 149; Italy, paras. 151-156; Ireland, para. 162-164; Spain, para. 166; Turkey, para. 171; Greece, para. 174 and Belgium, para. 177.
the practice of requiring that, for the termination of the obligation of the administering Powers under Chapter XI of the Charter, constitutional changes leading to a status short of independence must be shown to be the result of the freely expressed will of the people through a democratic process of a referendum or elections with United Nations participation.

161. In 1967, in the course of the consideration in the Special Committee of the situation in the West Indian Associated States, the question arose as to whether or not in the attainment of self-government, the peoples of the Territories had also exercised the right to self-determination and independence in accordance with the Declaration on decolonization.

b. The West Indian Associated States

162. As has been reported, following the adoption of resolution 2069(XX) concerning small Territories, including Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent, the Government of the United Kingdom, on 30 December 1965, announced that a new constitutional status had been agreed upon for those six Caribbean Territories to be known as “States in association with Britain.” In the light of the new constitutional developments, the Special Committee, in its recommendations to the General Assembly at its twenty-first session, reaffirmed the right of the people of those six Territories to exercise their right of self-determination in complete freedom. The Special Committee also expressed its belief that the United Nations should take appropriate steps to ensure that the people of those Territories were enabled to express themselves freely on their future status and in full knowledge of the options available to them. Accordingly, the General Assembly, by resolution 2232(XXI), reaffirmed the inalienable right of the peoples of those Territories to self-determination and independence, and called upon the administering Power to implement without delay the relevant resolutions of the General Assembly.

163. The representative of the United Kingdom informed the Special Committee in February 1967 that Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla and St. Lucia would assume a new status in association with the United Kingdom to be known as “the West Indies Associated States” and that St. Vincent would assume the same status no later than 1 June 1967. Under the new association arrangement, each of the six Territories would enjoy a full measure of self-government. They would be completely autonomous in their internal affairs, while the United Kingdom would assume responsibility for their external affairs and defence. Thus, the United Kingdom’s obligations under Chapter XI of the Charter would be fulfilled. It was also emphasized that the new association arrangements had been worked out in full consultation with the people of each of the Territories concerned.

164. In the course of the debate in the Special Committee, a number of members questioned whether the people of the six Caribbean Territories had been fully consulted, and whether or not the new association arrangements had, in fact, been agreed upon by the free will and desire of the peoples of the Territories concerned, expressed through informed and democratic process in accordance with the Declaration on decolonization, and Principles VI and VII of General Assembly resolution 1541(XV).

165. According to the United Kingdom representative, whereas in some Territories, where independence had been a matter of local controversy, it had been the practice to hold general elections or a referendum before a final decision was taken, in the Eastern Caribbean Territories no political party had sought independence, and all had supported the new association arrangements.

The Windward Islands Constitutional Conference held in London in May 1966 concerning the new constitutional arrangements had been signed by the leaders of both government and opposition parties and had been duly ratified by the legislatures of the Territories concerned.

166. The Special Committee was told by a petitioner from Grenada that the opposition party in Grenada had signed the London Conference documents with reservations concerning certain provisions of the new constitution and had requested new elections before the new arrangements came into effect, but that demand had not been met by the administering Power. This led to a number of questions being addressed to the United Kingdom representative who subsequently replied to them in detail.

167. In support of the United Kingdom position, it was said that it was important that the new arrangement had been worked out between the Governments concerned as a workable and appropriate solution to the special problems facing small Territories. Also, it had been worked out in consultation with the elected representatives of the people and therefore in accordance with the desires of the people. In this view, the matter raised by Grenada was an internal one, and in any case new elections were to be held in January 1968.

168. In the debate which followed, most representatives, while accepting that the people of a Territory could choose to join another State, insisted that they had to have an opportunity to exercise the right to self-determination in absolute freedom. Some also felt that there had to be an impartial international presence to ensure the democratic process of self-determination. Moreover, the people choosing a status short of independence should have absolute freedom to change that intermediate status. On the contrary, the Constitution of Associated States required a decision by a two-thirds majority in a referendum. In general, the majority was of the view that the way the United Kingdom had brought about the association of the Caribbean Territories could not be considered as implementing the Declaration on decolonization.

169. Following the discussion, the Special Committee, by a vote of 18 to 3, with 3 abstentions, adopted a resolution by which it, inter alia, affirmed that General Assembly resolution 1541(XV) and other relevant resolutions continued to apply to the Territories concerned.
170. During the consideration of the question of small Territories, including those six Caribbean Territories, the Fourth Committee heard a statement by a petitioner from Anguilla, who informed the Committee that, under the Associated States arrangement, there was one single Government of St. Kitts-Nevis-Anguilla. The people of Anguilla, however, did not accept that status. In fact, the Anguilla Government had been exercising effective control over its own island for six months. Anguilla's representatives to St. Kitts, which was 70 miles away, had been systematically outvoted and a referendum had shown that 99 per cent of the people of Anguilla favoured secession from St. Kitts. On behalf of the people of Anguilla, the petitioner asked the United Nations to send a mediator to the island to design a future for the island's future and to give them emergency help in the form of fuel, medicine and technical assistance.

171. Speaking during the general debate, the United Kingdom representative said that the problem of Anguilla was in no sense a colonial question. "Independence" for Anguilla was a secessionist rather than an independence movement. He felt that the Fourth Committee would be aware of the long-term implications of appearing to intervene in the internal affairs of a self-governing State and to endorse such a movement. He urged the Fourth Committee to recognize the fact that some of the remaining colonial Territories were too small to become independent; that Eastern Caribbean States had emerged from their colonial status into a new and free relationship satisfying their basic aspirations to self-rule but accepting the limitations due to size. The United Kingdom hoped that the present status of the Territories was an interim stage before federation.

172. One representative supported the United Kingdom position that the five Territories had achieved complete self-government in conformity with the principles of resolution 1541(XV) and considered that the United Kingdom had therefore complied with its obligations under Chapter XI of the Charter. He considered Anguilla's constitutional problem an internal matter.

173. Nevertheless, the Fourth Committee decided to uphold the views expressed by the Special Committee. On the recommendation of the Fourth Committee, the General Assembly, by a vote of 86 to none, with 27 abstentions, adopted resolution 2357(XXII) by which, inter alia, noting the constitutional changes that had been introduced in February and March 1967 in the Territories of Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla and St. Lucia and that were envisaged for the Territory of St. Vincent, noting further the decision taken by the Special Committee that General Assembly resolution 1514(XV) containing the Declaration on decolonization and other relevant resolutions continued to apply to these Territories, it reaffirmed the inalienable right of the people of those Territories to self-determination and independence and called upon the administering Power to implement without delay the resolutions of the General Assembly.

174. During the twenty-third and twenty-fourth sessions of the General Assembly, the representative of the United Kingdom continued to reaffirm his Government's position with respect to the six Caribbean Territories concerned and the General Assembly, by resolutions 2422(XXIII) and 2558(XXIV), continued to reaffirm the obligations of the United Kingdom with respect to those six Caribbean Territories under Chapter XI of the Charter.

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

175. During the consideration in the plenary of the General Assembly, at its twentieth session, of the question of the implementation of the Declaration, several representatives proposed that the General Assembly should affirm the legitimacy of the struggle of the colonial peoples for their right to self-determination and independence and call upon all Member States to give them all possible moral and material assistance for the recovery of their violated rights. It was argued that the principle of legitimacy of the struggle of a colonial people for independence implied the recognition of the legitimacy of the struggle of each of its participants, who were, therefore, entitled to the moral and material assistance of all States and of the United Nations. Consequently, repressive measures against national liberation movements as a whole and against their participants as individuals should be regarded as contrary to the provisions of the Declaration. By virtue of their right to self-defence against colonial aggression, the colonial peoples were fully justified in fighting for their liberation in every possible way, including armed struggle. It was, therefore, the sacred duty of the Members of the United Nations and of the Organization itself to support fully their just struggle for national liberation.

176. Following the discussion, the General Assembly, by a vote of 74 to 6, with 27 abstentions, adopted resolution 2105(XX), whereby the Assembly, inter alia, recognized the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence and invited all States to provide material and moral assistance to the national liberation movements in colonial Territories.

177. During the period under review, the General Assembly, by its resolutions 2189(XXI), 2326(XXII), 2465(XXIII) and 2548(XXIV), reiterated the relevant provisions contained in resolution 2105(XX). The General Assembly also continued the practice of reaffirming the legitimacy of the struggle of the peoples of specific Territories to exercise their right to self-determination and independence.

Decisions

a. Territories under Portuguese administration

178. The General Assembly, in paragraph 1 of its resolution 2184(XXI), reaffirmed the inalienable right of the peoples of the Territories under Portuguese administration to freedom and independence, in accordance with General Assembly resolution 1514(XV), and recognized the legitimacy of their struggle to achieve that right. In resolutions 2270(XXII), 2395(XXIII) and 2507(XXIV), the General Assembly reiterated the provisions contained in paragraph 1 of resolution 2184(XXI).

151<sup>2</sup>G A (XXII), 4th Comm., 1743rd mtg., paras. 102-114.
152<sup>1</sup>G A (XXII), 4th Comm., 1752nd mtg., paras. 20-26.
153<sup>2</sup>G A (XXIV), 4th Comm., 1853rd and 1867th mtgs.
b. **Southern Rhodesia**

179. The General Assembly, in its resolution 2151 (XXI), recalling its resolution 1514(XV) containing the Declaration on decolonization, reaffirmed the inalienable right of the people of Zimbabwe to freedom and independence and the legitimacy of their struggle for the exercise of that right. In its resolution 2262(XXII), 2383 (XXIII) and 2508(XXIV), the Assembly reiterated the provisions contained in resolution 2151(XXI).

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

180. Although the Declaration on decolonization does not specify a deadline for the attainment of self-determination and independence by the Trust and Non-Self-Governing Territories or all other Territories which have not yet attained independence, the General Assembly, as has been reported, has on a number of occasions recommended to the administering Powers that they set a deadline for the accesion to independence of each Territory under their administration in accordance with freely expressed will and desire of the people.

181. During the period under review, the General Assembly, by resolutions 2189(XXI) and 2326(XXII), invited the Special Committee, whenever it considered it proper and appropriate, to recommend a deadline for the accession to independence of each Territory in accordance with the wishes of the people and the provisions of the Declaration. The General Assembly also took decisions on certain Territories, requesting the administering Powers to set a deadline for the attainment of independence by the respective Territories under their administration, in accordance with the wishes of the peoples concerned.\(^{156}\)

182. On the other hand, in the case of Aden, the issue arose as to whether the decision of the administering Power, that the Territory should attain independence by 1968, had been taken in accordance with the freely expressed wishes of the people, and whether the government to which power would be transferred at independence would be a representative government elected by a free democratic process.

a. **Equatorial Guinea**

183. The General Assembly, by resolution 2230(XXI), recalling its resolution 2067(XX) by which it had requested the administering Power to set the earliest possible date for independence after consulting the people on the basis of universal suffrage under the supervision of the United Nations, and noting the desire of the overwhelming majority of the people consulted that the Territory should become independent not later than July 1968, requested the administering Power, in accordance with the wishes of the people of Equatorial Guinea, to set a date for independence as recommended by the Special Committee and, for that purpose, to convene a conference in which the various political parties and all sections of the population would be fully represented. In resolution 2355(XXII), the Assembly, recalling its resolutions 2067(XX) and 2230(XXI), regretted that the administering Power had not yet set a date for the accession of Equatorial Guinea to independence in accordance with the wishes of the people of the Terri-

184. During the discussion of the situation in Fiji at the twenty-first session, the Special Committee had before it information on the constitutional changes that had been recommended by the Constitutional Conference held at London in July and August 1965. Under the new arrangements there was to be universal suffrage; almost all the members of the legislative council would be elected and there would be more elected representatives for each of the three ethnic communities. However, it had been agreed before the Conference that independence was not an issue. It had also been agreed that minority communities not enfranchised would be brought on the electoral rolls.

185. The Special Committee also heard the representative of the administering Power who stated that the objective of the Conference had been to evolve a constitutional framework for Fiji which would preserve a continuing link with the United Kingdom and within which further progress could be made towards internal self-government.

186. In the debate that followed, many members expressed their concern over the introduction of communal representation which they felt would encourage disunity and impede independence. It was also pointed out that, while the General Assembly in its resolutions 1591(XVIII) and 2068(XX) had invited the administering Power to create representative institutions, the restricted internal self-government granted to an unrepresentative legislative council also fell short of the terms of resolution 1514(XV). The three principles that had guided the Special Committee’s approach to colonial questions were: the granting of universal adult suffrage, the affirmation of the rights of the peoples and the adoption of all necessary measures to grant freedom and independence. These had to be applied also to Fiji.\(^{157}\)

187. Subsequently a draft resolution\(^{159}\) was introduced in which the Special Committee would call on the administering Power to implement immediately the following: (a) holding of general elections on the basis of “one man, one vote” for the purpose of forming a constituent assembly which would draw up a democratic constitution; (b) to form a representative government; (c) to fix an early date for the independence of Fiji; and (d) to abolish discriminatory measures.

188. Opposing the draft resolution and, in particular, the request to fix an early date for the independence of Fiji, it was argued that the administering Power was already complying with General Assembly resolutions in introducing constitutional changes; that the international community should not force any Territory to


\(^{157}\)See Section B.4(a) below.

\(^{159}\)A (XXI), a.i. 23/Addendum, A/6300/Rev.1, chap. VIII, paras. 37-39, Tanzania; paras. 40-47, India; paras. 58-62, Sierra Leone; paras. 48-53, USSR.
pursue a course of political advancement that did not reflect the aspirations and the choice of the people; and that it was not realistic to fix a date for independence because conditions had yet to evolve before this would be possible.\textsuperscript{160}

189. The representative of the administering Power could not accept the draft resolution because it was still too early to predict the course of political evolution and the final form of the constitution.\textsuperscript{161}

Decision

190. On 7 September 1966, the Special Committee adopted a resolution in which, \textit{inter alia}, it called upon the Government of the United Kingdom to implement immediately: the holding of general elections on the basis of “one man one vote” for the purpose of forming a constitutional assembly to draw up a democratic constitution; the formation of a representative government and the transfer of full powers to that government; and, if a time-table was proposed, the fixing of an early date for the granting of independence to the people of Fiji.

191. When the Fourth Committee took up this question at the twenty-first session, the representative of the administering Power informed the Committee that the constitutional changes had become law in September 1966 and that, following elections, a new government had taken office in Fiji. Commenting on the constitutional changes, he said that, while some considered that the measures went too far and others not far enough, they were in fact the maximum that could have been introduced. To have introduced a common roll would have destroyed the willingness of most of the people to work with the new government.\textsuperscript{162}

192. In the debate which followed, most of the same points supporting the resolution of the Special Committee were again put forward.\textsuperscript{163} In favour of the position of the United Kingdom, it was said that the population did not, at that time, desire independence; that the people of a Territory had to be willing to assume responsibility for themselves before they could become independent and that the administering Power had in fact complied with Article 73\(b\) and had already taken two of the important steps called for in resolution 1951 (XVIII).\textsuperscript{164}

193. A third position was opposed specifically to the request to the administering Power to fix a date for the early independence of the Territory. One view held that it was necessary first to establish conditions of communal harmony\textsuperscript{165} another view suggested that, since a sub-committee would be visiting the Territory, it should be left to that body to recommend a date\textsuperscript{166} and still another view maintained that it was for the Fijians themselves to set the date.\textsuperscript{167}

194. In the end, the Fourth Committee recommended to the General Assembly the adoption of a draft resolution based on the text contained in the report of the Special Committee.

Decision

195. On the recommendation of the Fourth Committee, the General Assembly adopted resolution 2185 (XXI) in which it reiterated the call to the administering Power to implement the measures contained in the resolution of the Special Committee, including the “fixing of an early date for the independence of Fiji”.

196. In resolution 2356(XXII), the General Assembly reaffirmed the relevant provisions of resolution 2185 (XXI).

c. Gibraltar

197. At the twenty-third session, a draft resolution\textsuperscript{168} was introduced in the Fourth Committee which, in addition to calling for continued negotiations between the United Kingdom and Spain to resolve the question of Gibraltar, would call upon the Government of the United Kingdom to terminate the colonial situation in Gibraltar not later than 1 October 1969.

198. In support of this text, it was pointed out that General Assembly resolution 2353(XXII)\textsuperscript{169} had invited the Governments of Spain and the United Kingdom to resume without delay the negotiations provided for in resolutions 2070(XX) and 2231(XXI) with a view to putting an end to the colonial situation in Gibraltar and to safeguarding the interests of the population upon termination of that situation. Since the twenty-second session, no progress had been made. The administering Power continued to maintain that it did not accept resolution 2353(XXII), the effect of which would be that the United Kingdom would simply hand over Gibraltar to Spain. By setting a date, if the administering Power failed to comply, its responsibility would be clear. The Assembly’s position was quite clear: it did not accept the annexation of the Territory by the United Kingdom; it had rejected the idea that self-determination should apply only to settlers and it had asked the United Kingdom to expedite decolonization.\textsuperscript{170}

199. Opposing the introduction of a time limit, the representative of the administering Power said that such a suggestion would be almost unprecedented in the history of the United Nations. In his view, if time limits were to be set for decolonization, they should be only for the purpose of achieving the objectives in the Charter, namely, to create self-government, self-determination and, if necessary, independence. If a time-table was to be established, it would be necessary first to determine the wishes of the people. He recalled that, under Article 73, the obligation of the administering Power was “to develop self-government, to take due account of the political aspirations of the peoples and to assist them in the progressive development of their free political institutions”. He recognized, however, that some compromise had to be made between that objective and the legitimate interests of Spain since the Treaty of Utrecht had stated that, should the United Kingdom...
relinquish sovereignty in Gibraltar, it could do so only by handing Gibraltar over to Spain.\(^{171}\)

200. In the end, the Fourth Committee approved the text of the draft resolution and, on its recommendation, the General Assembly adopted it as resolution 2429 (XXIII).

**Decision**

201. The General Assembly, by resolution 2429 (XXIII), recalling its resolution 2353(XXII), declared that the continuation of the colonial situation in Gibraltar was incompatible with the purposes and principles of the Charter and of resolution 1514(XV), requested the administering Power to terminate the colonial situation in Gibraltar no later than 1 October 1969 and called upon the Government of the United Kingdom to begin without delay the negotiations with the Government of Spain provided for in resolution 2353(XXII).

d. *Papua*

202. By its resolutions 2348(XXII) and 2427(XXIII), the Assembly, recalling its earlier resolutions, called upon the administering Power to implement fully resolution 1514(XV) and, to that end, to fix an early date for self-determination and independence in accordance with the freely expressed wishes of the people of the Territory. As Papua and New Guinea were administered as one unit, the discussion appears under Article 76, paras. 69-94.

e. *Aden*

203. In May 1965, the United Kingdom informed the Special Committee that it had appointed a constitutional commission to make recommendations in the light of the wish of the Governments and people of South Arabia to achieve independence as soon as possible, and the general desire for unity in South Arabia as well as the declared aspiration of the United Kingdom Government to bring Aden and all the States of the Protectorate of South Arabia, both inside and outside the Federation, to independence as a single State by 1968.

204. This was the background to the decision of the General Assembly contained in resolution 2123(XX) of 5 November 1965, whereby it deplored the attempts of the administering Power to set up an unrepresentative régime in the Territory with a view to granting it independence contrary to General Assembly resolutions 1514(XV) and 1949(XVIII)\(^{172}\). As the resolution shows, the rejection by the Assembly of the target date for the independence of the Territory had been based on several factors, including especially the fact that the United Kingdom had not agreed to implement resolutions 1514(XV) and 1949(XVIII); that the government to which the United Kingdom intended to transfer power was not truly representative of the peoples; that the Emergency Decree had not been lifted so as to enable all political elements in the Territory to participate in its daily life; and that the people of the Territory had not been given an opportunity to express their will on the future status of their country.

205. When the Special Committee took up the question of Aden in 1966, it was informed\(^{173}\) by the representative of the administering Power that, in May of that year, the Government of the Federation of South Arabia had announced that it would accept any solution of the constitutional problem in South Arabia which was capable of achieving a wide measure of agreement in the Territory. It accordingly welcomed this decision of the Federal Government. According to the Foreign Secretary, since other political groups had also called for the acceptance of United Nations resolutions, there was a wide measure of agreement about future objectives for the Territory. The Foreign Secretary had also said that United Kingdom troops would be withdrawn from the base not later than 1968 by which time South Arabia would have achieved independence; that the United Kingdom would be prepared to implement the United Nations recommendations concerning the state of emergency and release of detainees, provided there was satisfactory evidence that terrorism had ended and that he had already transmitted a letter from the Federal Government to the Secretary-General inviting him to appoint a United Nations observer to attend the proposed conference. Thus the three United Nations requirements, namely, a general conference attended by all the people of South Arabia who wished to participate; free elections to establish a representative body and a provisional government; and a United Nations presence before and during the elections, would be fulfilled.

206. After considering the written petitions and hearing various petitioners concerning Aden, the Special Committee discussed practical measures to ensure that independence would be achieved in the best possible circumstances. In the view of some representatives, the problem raised by the target date for independence set by the administering Power remained, as it was not clear what type of independence would result and under what conditions it would be granted. It was not clear whether power would be transferred to genuine representatives of the people of the Territory.\(^{174}\) It was also pointed out that, although the Federal Government of the Territory had accepted the United Nations resolutions, it was the administering Power that was responsible to the United Nations.\(^{175}\) Some members felt that, by announcing that it would grant the Territory independence by 1968, the administering Power had, on the whole, complicated the problem for the Special Committee. On the one hand, it was impossible to grant the Territory independence under the existing conditions, on the other, there was no question of putting off the date of independence. What was important was therefore to ensure that everyone had an opportunity to take part in the elections based on universal suffrage concerning the Territory's future. General Assembly resolution 1949(XVIII) had specified the role that the administering Power should play but its full co-operation would be necessary to solve the impasse.\(^{176}\) Another view also accepted the date of independence set by the administering Power and urged the Special Committee to assist in bringing about a solution that reflected the interests of all the peoples in the area.\(^{177}\)

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\(^{171}\)For the discussions on the obligations of the administering Power, see section 736.4 and, for the discussions on disputes involving the territorial integrity of Member States, see section 736.6.

\(^{172}\)Reportory, Supplement No 3, under Article 73, paras. 491-495.

\(^{173}\)G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, chap. VI, paras. 101-103.

\(^{174}\)Ibid., paras. 246-248, Iraq.

\(^{175}\)Ibid., paras. 266-278, Tanzania.

\(^{176}\)Ibid., para. 318, Chile.

\(^{177}\)Ibid., paras. 327-331, United States.
Decision

207. The Special Committee subsequently, on 15 June 1966, adopted a resolution 178 by which it maintained the position it had taken at the previous session and, in particular, again deplored the setting up by the administering Power of an unrepresentative régime in the Territory with a view to granting it independence contrary to resolutions 1514(XV) and 1949(XVIII); it appealed to all States not to recognize such independence as it was not based on the wishes of the people of the Territory freely expressed through elections held under universal franchise.

208. On 1 August 1966, the United Kingdom Government informed the Secretary-General that it accepted the operative clauses of General Assembly resolutions 1949(XVIII) and 2123(XX) subject to its being recognized, first, that the United Kingdom Government's responsibilities for security could not be limited or abandoned; and second, that it was bound by its existing treaties with the Federation of South Arabia and the unfederated South Arabia States until those treaties terminated. Furthermore, the Government would co-operate with a mission appointed by the Secretary-General, subject to agreement on its composition, for the purpose of recommending practical steps necessary for the full implementation of the above-mentioned resolutions and for determining the extent of United Nations participation in the preparation and supervision of elections. 179

209. At the twenty-first session of the General Assembly, when the Fourth Committee considered the situation in Aden, it heard a number of petitioners who all expressed the strong desire of all the population to see the Territory achieve unity and independence. As the United Kingdom had already formally accepted the operative paragraphs of resolutions 1949(XVIII) and 2123(XX), the discussion centered mainly on the two reservations. It also appeared from the statements by the petitioners that their main concern was no longer the target date for independence but the actual implementation of the terms of those resolutions. As in the discussions in the Special Committee, the view was also expressed that the most important task that remained was the establishment of a representative government in the Territory to which power could be transferred in 1968. 180

210. On the recommendation of the Fourth Committee, the General Assembly adopted resolution 2183 (XXI).

Decision

211. In the preambular paragraphs of resolution 2183 (XXI), the General Assembly took note of (a) the statement of the representative of the administering Power on his Government's readiness to co-operate with the United Nations in the full implementation of the relevant General Assembly resolutions at the earliest possible time; (b) the assurances of the administering Power concerning the territorial integrity and unity of South Arabia as a whole; (c) the statement of the representative of the administering Power that the United Nations Mission would have free and unimpeded con-

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178 ibid., para. 382.
179 ibid., Chapter VI, Annex V, para. 6, A/6374.
181 G A (XXI), 4th Comm., 1636th mtg., paras. 2-10.
182 ibid., paras. 494-495.
183 G A (XXI), Annexes, a.i. 23/Addendum, chap. VI, paras. 337-380.
184 ibid., p. 497, paras. 381-382.
Aden for the purpose of recommending practical steps necessary for the full implementation of the relevant General Assembly resolutions, for determining the extent of United Nations participation in elections and of making a report to him as soon as possible for transmission to the Special Committee.

217. In response to the resolution, the representative of the United Kingdom, by a letter of 1 August 1966, informed the Secretary-General that his Government welcomed the assistance and participation of the United Nations in achieving its declared policy of bringing South Arabia to independence as a united sovereign State by 1968. He pointed out, however, that his Government would accept General Assembly resolutions 1949(XVIII) and 2023(XX) subject to recognition of the two following reservations: that his Government's responsibilities for security could not be limited or abandoned; and that his Government was bound by the existing treaties with the Federation of South Arabia and the unfederated South Arabian States until those treaties were terminated. He also emphasized that his Government was constitutionally unable to give directions to the Federal Government except on matters of external affairs, defence and the public service and had no power to impose changes in the Federal Constitution. Furthermore, the representative of the United Kingdom noted that his Government would be glad to co-operate with a Mission appointed by the Secretary-General subject only to the two reservations.

218. The Special Committee considered the implications of the United Kingdom's two reservations as set forth in its communication to the Secretary-General. During the discussion, the Chairman of the Sub-Committee on Aden stated that the reservations of the United Kingdom were not in accordance with the resolutions of the General Assembly and of the Special Committee. The United Kingdom's attitude was not acceptable as a basis on which a Special Mission to Aden could be appointed or could operate. The Special Mission must be formed and must operate under the terms of the relevant General Assembly resolutions as well as the resolutions adopted by the Special Committee on 15 June 1966, and after the unanimous acceptance by the United Kingdom of those resolutions.

219. In regard to the United Kingdom's reservations, one representative stated that the so-called treaties were nothing but treaties between the conqueror and the conquered and could not be considered as international obligations under Article 103 of the Charter, which made it clear that: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail." Furthermore, the United Kingdom had claimed that its responsibilities were limited or abandoned; and "public service", a term which could have a very wide range of meanings. Under Article 73 of the Charter, the United Kingdom Government had an obligation to transmit information to the Secretary-General relating to economic, social and educational conditions in the Non-Self-Governing Territories for which it was responsible; it could, therefore, hardly argue that its responsibilities were confined to external affairs and defence.

220. Another representative pointed out that the reservations expressed by the United Kingdom were not acceptable since they would constitute an abandonment of the most important provisions of the relevant General Assembly resolutions, and its offer to co-operate with the United Nations Mission should be viewed merely as a manoeuvre.

221. The view was also expressed that the Secretary-General should continue to negotiate with the United Kingdom Government with respect to sending a United Nations mission to Aden. It was pointed out that important advances had been made on two essential points: first, the United Kingdom Government had accepted the operative parts of General Assembly resolutions 1949 (XVIII) and 2023(XX), thereby meeting the demands made by several delegations; admittedly, it had accepted with reservations, but it was not certain that those reservations would in fact stand in the way of the Mission. Second, it had, possibly for the first time, welcomed the sending of a United Nations mission to one of its dependent Territories other than a Trust Territory. Another representative expressed the view that, if a United Nations mission was sent to Aden, it would be the first such mission to a non-autonomous Territory and that would be a useful precedent. Thus, it was highly desirable that a mission be sent to Aden and that it be given complete freedom of action and an opportunity to secure all the information it needed and to reach its own conclusions.

222. The representative of the Secretary-General informed the Special Committee that the Secretary-General had been continuing his consultations with the United Kingdom Government concerning the sending of a United Nations mission to Aden and that he would report on the outcome of his consultations as soon as possible.

223. During the consideration of the question of Aden in the Fourth Committee, several delegations expressed apprehension about the two United Kingdom reservations. In the course of the debate, the representative of the United Kingdom reversed the position taken by his Government in the Special Committee and categorically declared that his Government would fully co-operate with the United Nations in implementing the relevant resolutions of the General Assembly and in sending a United Nations mission to Aden and would also support a draft resolution to that effect. Accordingly, the Fourth Committee, by a roll-call vote of 100 to none, with 3 abstentions, approved a thirty-Power draft resolution.

Decision

224. At its 1490th plenary meeting, the General Assembly, by a vote of 96 to none, with 3 abstentions, adopted the draft resolution submitted by the Fourth Committee, as its resolution 2183(XXI). By this resolution, the Assembly, considering that the United Nations Mission should have full freedom of action and unrestricted access to all parts of the Territory and that the administering Power should guarantee to the people the...
free exercise of political rights and freedom throughout the Territory, endorsed the resolutions on Aden adopted by the Special Committee on 22 March and 15 June 1966; requested the Secretary-General, in consultation with the Special Committee and the administering Power, to appoint immediately a special mission to be sent to Aden for the purpose of recommending practical steps for the full implementation of the relevant resolutions of the General Assembly, and, in particular, for the purpose of determining the extent of United Nations participation in the preparation and supervision of the elections and of submitting a report to the United Nations Special Mission on Aden to consider recommending, inter alia, practical steps for the establishment of a central caretaker government in the Territory to carry out the administration of the whole Territory and to assist in the organization of the elections; called upon the administering Power to take the necessary measures, in accordance with paragraph 8 of the Special Committee's resolution of 15 June 1966, so that the United Nations Special Mission on Aden could discharge its responsibilities on the basis of the resolution of the Special Committee, and requested the Secretary-General to provide all the necessary assistance and facilities for the implementation of the present resolution.

225. Pursuant to resolution 2183(XXI), on 23 February 1967, the Secretary-General appointed the United Nations Special Mission on Aden, consisting of the representatives of Venezuela (Chairman), Afghanistan and Mali. In its report to the Special Committee, the United Nations Special Mission on Aden, inter alia, stated that the Mission was not permitted to achieve the fulfillment of its mandate under General Assembly resolution 2183(XXI) due to the failure by the administering Power to establish a climate of confidence in the Territory and to follow a course of action in keeping with the efforts of the Mission. The Mission, therefore, recommended that the Special Committee and other appropriate organs of the United Nations urge the United Kingdom Government, as the administering Power, to do everything within its power to ensure that the objectives of resolution 2183(XXI) were realized and that genuine independence was achieved in peace and harmony. To that end, the administering Power should be requested to deal directly with the nationalist movements.

226. The representative of the United Kingdom, however, pointed out that the Mission had been prevented from carrying out its task by a number of circumstances and, particularly, by the failure of the two main political groupings in South Arabia to offer cooperation to the Mission until too late. He regretted that the Mission had instead sought to place responsibility for its failure principally on the United Kingdom.

227. During the consideration of the question of Aden in the Fourth Committee, the representative of the United Kingdom announced that, as a result of the negotiations between the United Kingdom and the National Liberation Front for South Arabia, held in Geneva between 21 and 29 November 1967, the Territory of South Arabia would attain independence on 30 November 1967.

Decision

228. The General Assembly adopted a consensus concerning Aden submitted by the Fourth Committee. By this consensus, the General Assembly took note of the reports of the Special Committee and of the United Nations Special Mission on Aden, reaffirmed the unity and territorial integrity of the whole Territory, including all the islands specified in General Assembly resolution 2183(XXI) and considered that any action to disrupt the unity and territorial integrity of the Territory would represent a violation of General Assembly resolutions 1514(XV) and 2183(XXI). The Assembly also expressed the hope that the Territory would consolidate its independence in unity and harmony, overcome the problems confronting it in consequence of colonial rule and play a constructive role as a member of the international community.

229. Aden became independent as the Peoples Republic of Southern Yemen on 30 November 1967 and was admitted to membership in the United Nations on 14 December 1967 under General Assembly resolution 2310(XXII).

c. Spanish Sahara

230. As has been reported, the General Assembly, by resolution 2072(XX), recalling the Declaration on decolonization and bearing in mind that the Declaration was inspired by the strong desire of the international community to put an end to colonialism wherever and in whatever form it might occur, urgently requested the Government of Spain, as the administering Power, to take immediately all necessary measures for the liberation of the Territory of Spanish Sahara from colonial domination and, to that end, to enter into negotiations on the problems relating to sovereignty presented by the Territory.

231. At the twenty-first session of the General Assembly, the Special Committee considered the question of Spanish Sahara and adopted a consensus on 7 June 1966, by which it requested the Secretary-General, inter alia, to obtain from the Government of Spain as soon as possible information concerning the measures taken by it in implementation of paragraph 2 of General Assembly resolution 2072(XX). During the further consideration of the question in the Special Committee, the representative of Spain declared that his Government was firm in its determination to implement the provisions of General Assembly resolution 2072(XX). It was his delegation's fervent hope that the decolonization of Spanish Sahara would proceed at a rapid pace.

232. The representative of Morocco stated that ever since the Kingdom of Morocco had won back its freedom and independence, the King's constant concern had always been to regain the Moroccan Territories which remained under colonial domination and had been separated from the country under an arbitrary and annexationist policy carried out at its expense by the
Powers which had placed it under the jurisdiction of their respective protectorates. That situation was a legacy of colonialism and was completely unjust and contrary to the international agreements and treaties guaranteeing the Kingdom of Morocco's territorial integrity. Furthermore, since its accession to independence, Morocco had never failed to make reservations in the various United Nations bodies on the Non-Self-Governing Territory of Spanish Sahara. \(^{206}\) At the same time, it had established contact with Spain, the administering Power, with a view to finding a formula for restoring to Morocco the Territory which had been taken away from it when it was itself under the French and Spanish protectorates.

233. The representative of Mauritania, on the other hand, pointed out \(^{207}\) that Mauritania had been divided into two parts under French and Spanish colonial rule and that only the part colonized by France had been able to accede to independence, the north-western part of the country being still the Spanish colony of Spanish Sahara. There was no doubt that geographically, ethnically and economically the so-called Spanish Sahara was an integral part of Mauritania.

234. Following the discussion, the Special Committee adopted \(^{208}\) a resolution by 19 votes to none, with 3 abstentions, by which it invited the administering Power to make arrangements, in consultation with the population of the Sahara, the Governments of Mauritania and Morocco and any other parties concerned, for a referendum to be held under United Nations auspices to enable the indigenous population of the Territory freely to exercise its right to self-determination and to report to the Special Committee before the referendum was held.

235. During the consideration of the question of Spanish Sahara in the Fourth Committee, the representatives of the Governments involved in the question reiterated their positions as expressed in the Special Committee. Following the discussion, the Fourth Committee considered \(^{209}\) a draft resolution, paragraph 4 of which the General Assembly would invite the administering Power to determine, at the earliest date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination and, to that end (a) to create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis, by permitting, *inter alia*, the return of the exiles to the Territory; (b) to take all the necessary steps to insure that only the indigenous people of the Territory participated in the referendum; (c) to refrain from any action likely to delay the process of the decolonization of Spanish Sahara; (d) to provide all the necessary facilities to a United Nations mission so that it might be able to participate actively in the organization and holding of the referendum. The resolution further requested the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately a special mission to be sent to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant resolutions of the General Assembly and, in particular, for determining the extent of United Nations participation in the preparation and supervision of the referendum; the special mission was to submit a report to the Secretary-General as soon as possible for transmission to the Special Committee.

237. At the twenty-second session of the General Assembly, the Special Committee considered the question of the Spanish Sahara and requested \(^{211}\) the Secretary-General to expedite the consultations envisaged in General Assembly resolution 2229(XXI) concerning the appointment of a special mission to Spanish Sahara. Subsequently, the Special Committee considered the report \(^{214}\) of the Secretary-General on the subject, heard \(^{215}\) statements from the respective Governments involved in the question, and adopted \(^{216}\) a consensus, by which the Committee, *inter alia*, noted with regret that the provisions of resolution 2229(XXI) had not so far been implemented by the administering Power and decided to refer the question to the Fourth Committee in order to envisage the necessary measures for the implementation of the resolution.

238. The Fourth Committee briefly considered the question of the Spanish Sahara and, by a vote of 97 votes to none, with 3 abstentions, approved \(^{217}\) a resolution.

**Decision**

239. The General Assembly, by a vote of 113 to none, with 4 abstentions, adopted \(^{218}\) the draft resolution submitted by the Fourth Committee, as its resolution 2229 (XXI). By this resolution, the Assembly, noting the statement of the administering Power on 8 December 1966 relating to Spanish Sahara, particularly with regard to the sending of a special United Nations mission to the Territory, the return of the exiles and the free exercise by the indigenous population of its right to self-determination, invited the administering Power to determine, at the earliest possible date, in conformity with the aspirations of the indigenous peoples of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination and, to that end (a) to create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis, by permitting, *inter alia*, the return of the exiles to the Territory; (b) to take all the necessary steps to insure that only the indigenous people of the Territory participated in the referendum; (c) to refrain from any action likely to delay the process of the decolonization of Spanish Sahara; (d) to provide all the necessary facilities to a United Nations mission so that it might be able to participate actively in the organization and holding of the referendum. The resolution further requested the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately a special mission to be sent to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant resolutions of the General Assembly and, in particular, for determining the extent of United Nations participation in the preparation and supervision of the referendum; the special mission was to submit a report to the Secretary-General as soon as possible for transmission to the Special Committee.

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\(^{206}\) Ibid., p. 615, para. 170.

\(^{207}\) Ibid., p. 614, para. 166.

\(^{208}\) Ibid., p. 621, para. 243.

\(^{209}\) P.G. A (XXI), Annexes, a i. 23, A/6623, paras. 12-14.

\(^{210}\) Ibid., para. 15.

\(^{211}\) Ibid.

\(^{212}\) Ibid., p. 40.

\(^{213}\) G.A. (XXII), Annexes, a. i. 23/Addendum, chap. IX, p. 208, para. 7.

\(^{214}\) Ibid., Annex, A/AC.109/239.

\(^{215}\) Ibid., pp. 209-212, paras. 19-37.

\(^{216}\) Ibid., p. 212, para. 238.

\(^{217}\) Ibid., Annexes, a. i. 23, A/7013, paras. 28-30.

\(^{218}\) Ibid., p. 26.
mitted by the Fourth Committee as its resolution 2354 (XXII). In this resolution, the Assembly reiterated the relevant provisions of its resolution 2229(XXI).

240. At the twenty-third and twenty-fourth sessions of the General Assembly, the representative of Spain maintained that his Government supported the desire of the indigenous population to decide its own future in accordance with specific procedures. It believed that it was for the indigenous inhabitants alone, in negotiation with Spain, to decide their future and that the expression of their will should be surrounded with guarantees of authenticity and sincerity. He expressed the view that Spain respected and supported the right of the indigenous people of the Territory of the Sahara to self-determination and was firmly resolved to help them exercise it in a spirit of conformity with the resolutions of the United Nations.

241. With regard to the proposed United Nations special mission to the Spanish Sahara, the representative of Spain reiterated the offer made by his delegation in the Fourth Committee on 7 December 1966 concerning the possibility of a visit to the Sahara. That offer must, however, be understood in the same terms as those in which it had been made and without forgetting that, for the Spanish Government, the expressed desires of the Saharan population took priority over any other consideration.

242. The General Assembly, in its resolutions 2428 (XXIII) and 2591(XXIV), reiterated the relevant provisions of its resolutions 2229(XXI) and 2354(XXII) concerning the United Nations special mission to Spanish Sahara.

243. During the period under review, no United Nations special mission was sent to the Spanish Sahara.

d. Equatorial Guinea

244. As has been reported, the General Assembly, by resolution 2067(XX), reaffirmed the inalienable right of the people of Equatorial Guinea to self-determination and independence; requested the administering Power to set the earliest possible date for independence after consulting the people on the basis of universal suffrage under the supervision of the United Nations; and invited the Special Committee to follow the progress of the implementation of the resolution and to report thereon to the General Assembly at its twenty-first session.

245. During the twenty-first session of the General Assembly, the Special Committee considered the question of Equatorial Guinea at its meeting held in Algiers. The representative of Spain stated that the Territory, which had already established an autonomous government following a referendum held under the Basic Law of 1964, was in the evolutionary process leading to self-determination and independence. He also announced that his Government would be pleased if the Special Committee or a representative group of Members could visit Equatorial Guinea to see for themselves the progress made in the Territory. If the Committee could not accept the invitation for the time being because such a visit had not been scheduled, he confidently hoped that it would be able to do so in the near future. He emphasized the importance and significance of the offer.

246. Several representatives commended the Spanish Government's offer to accept a visiting mission of the Special Committee in Equatorial Guinea. One representative expressed the view that the co-operative attitude manifested by Spain had stemmed from its awareness that colonialism could not continue in the twentieth century and that, consequently, every remaining Territory must move rapidly towards independence.

247. Following the discussion, the Special Committee, by a roll-call vote of 22 to none, adopted a resolution, by which it noted with satisfaction the open invitation made to it by the administering Power to visit Equatorial Guinea; and decided to send, as soon as practicable, a sub-committee to ascertain the conditions in the Territory with a view to speeding up the implementation of General Assembly resolution 2067(XX).

248. Accordingly, a sub-committee of the Special Committee visited Spain and Equatorial Guinea during August 1966 and submitted its report to the Special Committee in which, inter alia, it recommended that the administering Power should continue to cooperate with the United Nations by ensuring United Nations participation in the processes leading to the independence of the Territory. The Special Committee adopted the report with conclusions and recommendations.

249. During the consideration of the question of Equatorial Guinea in the Fourth Committee, the representative of Spain stated that his Government was making firm and steady progress with regard to the problem of decolonization. As evidence of his Government's collaboration in the process, his Government intended to convene a constitutional conference in early 1967 to channel the aspirations of the indigenous inhabitants of Equatorial Guinea. The conference would establish all the modalities which the population of the Territory deemed advisable, since all sections of the population without exception would be represented. His delegation reaffirmed once more that the people of Equatorial Guinea had the right of self-determination and the right to decide their own future, and that consequently they alone were competent to fix a date for independence and to establish the various modalities.

250. Following this discussion, the Fourth Committee, by a roll-call vote of 85 to none, with 9 abstentions, approved a draft resolution on the question of Equatorial Guinea.

Decision

251. The General Assembly, by a vote of 109 to none, with 7 abstentions, adopted the draft resolution submitted by the Fourth Committee as its resolution 2230(XXI). By that resolution, the Assembly, inter alia, expressed its appreciation to the Government of Spain for having invited the Special Committee to visit the Territory and for the co-operation rendered to its Sub-Committee on Equatorial Guinea during its visit to the Territory; it requested the administering Power to convene a conference in which the various political par-
ties and all sections of the population would be fully represented and also requested the Secretary-General to take appropriate action, in consultation with the administering Power and the Special Committee, to ensure the presence of the United Nations in the Territory for the supervision of the preparations for, and the holding of, the election envisaged and to participate in any other measures leading towards the independence of the Territory.

252. The question of Equatorial Guinea was again considered by the Special Committee during the twenty-second session of the General Assembly. It was noted that the Government of Spain had not implemented the General Assembly resolutions and that the constitutional conference had not been held in early 1967 as expected.

253. The representative of Spain stated that the constitutional conference had had to be postponed due to internal problems in the Territory but would be held during the later part of 1967.

254. The Special Committee, by a roll-call vote of 19 to none, with 3 abstentions, adopted a resolution, by which the Committee, inter alia, urged the administering Power to reconvene immediately the constitutional conference and requested the administering Power to ensure that the Territory acceded to independence as a single political and territorial entity not later than July 1968.

255. The Fourth Committee, having considered the report of the Special Committee, approved a draft resolution by a vote of 94 to none, with 6 abstentions.

Decision

256. The General Assembly, by a vote of 111 to none, with 5 abstentions, adopted the draft resolution submitted by the Fourth Committee as its resolution 2355 (XXII). By this resolution, the Assembly, inter alia, urged the administering Power to reconvene the constitutional conference in order to work out the modalities of the transfer of power, including the drawing up of an electoral law and of an independence constitution, and requested the Secretary-General to take appropriate action, in consultation with the administering Power and the Special Committee, to ensure the presence of the United Nations in the Territory for the supervision of the preparations for, and the holding of, the election envisaged and to participate in all other measures leading towards the independence of the Territory.

257. Since the administering Power did not implement General Assembly resolution 2355(XXII), the Special Committee, on 1 April 1968, by a vote of 20 to none, with 4 abstentions, adopted a resolution reiterating the relevant provisions of resolution 2355(XXII). Subsequently, the constitutional conference was held between 17 April and 22 June 1968.

258. On 19 July 1968, the Special Committee adopted a consensus in which it, inter alia, expressed the hope that the United Nations presence to be established by the Secretary-General under paragraph 7 of General Assembly resolution 2355(XXII) and paragraph 9 of the Committee's resolution of 1 April 1968 for the purpose of supervising the preparations for, and the holding of, the proposed election and all other processes leading towards the independence of the Territory, would begin its work without delay and, in that connexion, requested the administering Power to extend to the United Nations presence in the Territory all the facilities necessary for the discharge of its functions.

259. Pursuant to General Assembly resolution 2355 (XXII) and the Special Committee's resolution and consensus, the Secretary-General, on 6 August 1968, announced the appointment of a United Nations Mission for the Supervision of the Referendum and the Elections in Equatorial Guinea. The Mission supervised the referendum on 11 August 1968 and the elections held on 22 September 1968. On completion of the Mission, its Chairman made a statement before the Special Committee in which he, inter alia, stated that the co-operation extended by the administering Power had enabled the United Nations to play a significant and useful role in assisting a colonial Territory in attaining its independence. The presence of the United Nations had facilitated that task by providing guarantees of fair play and by inspiring the necessary confidence in all concerned to enable the transfer of power to take place in an atmosphere of stability and harmony.

260. Equatorial Guinea became independent on 12 October 1968 and was admitted to membership in the United Nations on 12 November 1968 under General Assembly resolution 2384(XXXIII).

c. West New Guinea

261. As has been reported, the General Assembly, by resolution 1752(XVII), took note of the Agreement of 15 August 1962 between the Republic of Indonesia and the Kingdom of Netherlands concerning West New Guinea (West Irian); acknowledged the role conferred upon the Secretary-General in the Agreement; and authorized the Secretary-General to carry out the tasks entrusted to him in the Agreement.

262. In terms of the Agreement, the United Nations had two distinct roles to play in the process of the decolonization of West New Guinea (West Irian). In the first role, pursuant to Articles I-XIII of the Agreement, the United Nations Temporary Executive Authority, established by and under the authority of the Secretary-General, took over the administrative authority over the Territory from the Kingdom of the Netherlands immediately after the adoption of General Assembly resolution 1752(XVII), and in turn, transferred full administrative authority over the Territory to the Republic of Indonesia on 1 May 1963.

263. In the second role, pursuant to Articles XIV-XXI of the Agreement, the United Nations Representative, appointed by and under the authority of the Secretary-General, was to "advise, assist and participate" in the arrangements made by the Republic of Indonesia for the
act of self-determination by the people of West New Guinea (West Irian).

264. Article XX of the Agreement provided that the act of self-determination would be completed by the end of 1969. Furthermore, among the procedures for the act of self-determination set forth in Article XVIII of the Agreement, it was provided that it should be carried out "in accordance with international practice".

265. From 14 July to 2 August 1969, the Consultative Assemblies of West New Guinea (West Irian), which included a total of 1,026 members, were asked to pronounce themselves, on behalf of the people of the Territory, on whether they wished to remain with Indonesia or to sever their ties with that country. All the Consultative Assemblies, without dissent, pronounced themselves in favour of the Territory remaining with Indonesia.241

266. Pursuant to Article XXI of the Agreement, the act of self-determination exercised by the Consultative Assemblies on behalf of the people of West New Guinea (West Irian), was duly accepted by the Governments of Indonesia and the Netherlands. Thereupon, pursuant to Article XXI of the Agreement, the Government of Indonesia and the United Nations Representative submitted their final reports242 to the Secretary-General for transmission to the General Assembly on the conduct of the act of self-determination and the result thereof.

267. At the twenty-fourth session of the General Assembly, the Secretary-General transmitted243 to the General Assembly the above-mentioned reports to enable the Assembly to note of the act of self-determination and the result thereof.

268. The General Assembly considered the Secretary-General's report as well as a draft resolution,244 by which the Assembly was to take note of the report of the Secretary-General and his Representative on the tasks entrusted to them under the Agreement. In the course of the discussion, there arose a question as to whether the act of self-determination had, in fact, been carried out "in accordance with the international practice" as set forth in Article XVIII of the Agreement.

269. The Foreign Minister of Indonesia stated245 that his Government had carried out its responsibilities to hold the act of self-determination for the people of West Irian, with the assistance, advice and participation of the Secretary-General's Representative. The implementation of the final phase of the Agreement was not only the honouring of an international agreement, it was the end of a long struggle for the freedom, unity and territorial integrity of Indonesia. He also pointed out that it was easy to criticise the implementation of such a complex political exercise, especially when measuring it against so-called international standards which did not necessarily fit the conditions and situation in Asia. West Irian was one of the most underdeveloped regions of the world, and the special circumstances prevailing there, as well as the complex political background of the question, inseparable as they were from Indonesia's struggle for independence, should be taken into account. The people of West Irian had firmly expressed their will to remain a part of Indonesia. Such a decision was only natural and was in the interest of the people of West Irian and their future. He emphasized that the results of the act of self-determination were legal, conclusive and irrevocable.

270. The Foreign Minister of the Netherlands stated246 that, in conformity with the provisions of the Agreement, the act of self-determination in West Irian had since been completed, but doubts had been expressed as regards the methods whereby the will of the people had been ascertained and, more particularly, the circumstances under which they had exercised their right of self-determination. The report of the Secretary-General's Representative confirmed, to some extent, that those doubts were not unjustified. However, the Netherlands Government was prepared to recognize and abide by the outcome of the act of self-determination. It did not consider the method adopted by the Indonesian Government to be, in itself, contrary to the provisions of the Agreement which had left sufficient latitude for its implementation by Indonesia. Therefore, it would serve no useful purpose to comment further on the manner in which the act of self-determination had taken place or on the outcome thereof.

271. During the discussion, some representatives expressed reservations regarding the method and procedures used in the act of self-determination, namely, that the decision had been made by the Consultative Assemblies, rather than by the people themselves under a "one man, one vote" procedure; in their view, the people of West Irian had not exercised their right of self-determination "in accordance with international practice" as envisaged in Article XVIII of the Agreement.

272. In the light of the reservations, one representative submitted amendments247 to the six-Power draft resolution, by which the Assembly would: (a) take note of the report of the Secretary-General and his Representative on their efforts to fulfil their responsibilities under the Agreement of 1962 between Indonesia and the Netherlands; (b) decide that the people of West Irian should be given a further opportunity, by the end of 1975, to carry out the act of self-determination envisaged in the Agreement; and (c) express appreciation for any assistance provided through institutions of the United Nations to supplement efforts by the Government of Indonesia to promote the economic and social development of West Irian.

273. In opposing the proposed amendments, one representative stated248 that the amendments in question did not seek to amend the draft resolution but rather the Agreement between the two Member States. He suggested that the representative who had proposed the amendments should either propose a new item or submit a new draft resolution.

274. The sponsors and supporters of the six-Power draft resolution, however, stated249 that the issue before the General Assembly was not one of self-determination but rather of affirmation of the national unity and territorial integrity of the Republic of Indonesia, as West Irian must be regarded as an integral part of that country.

275. They further argued that the Agreement was a bilateral one and if there was any objection or reservation regarding its implementation, it should come from the Netherlands and not from the General Assembly, which was only called upon to take note of the
Secretary-General's report on the performance of the act of self-determination and the result thereof. They commended the report, which gave an objective and clear account of the difficulties encountered in the implementation of the final phase of the Agreement.

276. In explaining the implications of the six-Power draft resolution, one representative stated that the General Assembly was merely being called upon to take note of the report of the Secretary-General in regard to the act of self-determination which had been undertaken in West Irian. The draft resolution did not seek the approval of the membership of the United Nations on the report. In the past practice of the United Nations, an interpretation had emerged to the effect that the process of taking note of a particular document involved indirect approval of that document. It could be stated clearly from the Secretary-General's report that, with certain inescapable and freely acknowledged limitations, an act of self-determination had taken place in which the representatives of the population of West Irian had expressed their wishes to remain with Indonesia. It remained for the General Assembly merely to take cognizance of that decision. It would not be appropriate or proper for the General Assembly to question the methods or procedures followed for exercising the act of self-determination in a part of a sovereign State in implementation of an Agreement to which the State was a party. Those were matters exclusively within the jurisdiction of the sovereign State. The decisions which had been taken in implementation of the terms of the Agreement were final and were not subject to further discussion by the United Nations. The question under consideration could not be regarded as an act of self-determination in the normal understanding of the term, since West Irian must be regarded as being an integral part of the sovereign State of the Republic of Indonesia.

277. The representative of Indonesia, stressing that no approval was required either of the Agreement itself or of the Secretary-General's report, expressed the view that his delegation found it difficult, if not impossible, to accept the amendments, as they were designed to amend not only the draft resolution but the Agreement, which was not the task of the General Assembly.

278. The representative who had proposed the amendments requested the adjournment of the plenary meeting until the following day in order to allow for further consultations on the amendments. The General Assembly, however, proceeded to vote on the six-Power draft resolution.

Decision

279. The General Assembly, by a roll-call vote of 42 to 30, with 42 abstentions, rejected the motion to adjourn the meeting. By a vote of 58 to 31, with 24 abstentions, the Assembly rejected a further motion to have the amendments voted on separately. By a roll-call vote of 60 to 15, with 39 abstentions, the Assembly also rejected the amendments as a whole. By a vote of 80 to 6, with 14 abstentions, the Assembly adopted the phrase "takes note of the report of the Secretary-General" in paragraph 1. By a vote of 86 to none, with 27 abstentions, the Assembly adopted paragraph 1 as a whole. Finally, the Assembly, by a roll-call vote of 84 to none, with 30 abstentions, adopted the six-Power draft resolution as a whole as its resolution 2504(XXIV). By this resolution, the General Assembly, inter alia, took note of the report of the Secretary-General and acknowledged with appreciation the fulfilment by the Secretary-General and his Representative of the tasks entrusted to them under the Agreement of 15 August 1962 between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian).

5. THE PRINCIPLE OF NATIONAL UNITY AND TERRITORIAL INTEGRITY

a. Introduction

280. Paragraph 6 of the Declaration on decolonization states that "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations".

281. Over the years the principle of national unity and territorial integrity has been raised in two distinct types of situation. It has been invoked as a condition to be ensured upon the attainment of independence by a colonial Territory so that the Territory retains its former boundaries as an administrative unit. It has also been invoked by Member States in their claims of sovereignty over colonial Territories adjacent to, or having a geographical integrity with, their nation.

282. In cases of the first type the issue of national unity and territorial integrity has been raised as part of the essential conditions of independence, which in turn has to be in accordance with the freely expressed wishes of the inhabitants in accordance with resolution 1514 (XV). A brief study of this issue, which arose in the case of Aden, is given below.

283. A number of cases involving a dispute over sovereignty were included in Supplement No. 3. These issues are briefly discussed below, including the new issue raised in the case of Gibraltar as to whether, in the decolonization process, the inhabitants of a Territory, whose sovereignty is under dispute, have the right to self-determination.

b. National unity and territorial integrity on attainment of independence

284. As noted above (see para. 203), the United Kingdom in 1965 announced its intention to grant Aden independence by 1968. One of the issues which arose during the discussion in the Special Committee in 1966 concerned the territorial integrity of Aden upon attainment of independence. This was because the Federation of South Arabia, which had been created by the United Kingdom and to which it appeared that power would be transferred, comprised only the Aden State (formerly known as the Aden Colony) and sixteen of the twenty
Chapter XI. Declaration regarding Non-Self-Governing Territories

Protectorate States. Moreover, although the United Kingdom was on record as having accepted the creation of a "unitary state", there was no official information as to the basis of such a state.

285. At meetings of the Special Committee, several petitioners drew attention to the fact that the Government of the Federation of South Arabia was not representative. They insisted that Aden and South Arabia should attain independence in unity, comprising the Eastern and Western Protectorates as well as the adjacent islands.

286. Several members considered that the acceptance by the United Kingdom of the principle of a unitary state was not adequate as there was no guarantee as to how it would be implemented. Doubts were expressed as to the United Kingdom's intentions because, in September 1963, it had suspended the Aden Constitution and had then expanded both the Supreme Council of the Federation as well as the Legislature by appointed members. Moreover, in 1966 the United Kingdom had refused to allow the United Nations Sub-Committee on Aden to enter the Territory and, in June 1966, had announced a five-year programme of military assistance to the Federal Government.

287. During the discussion in the Fourth Committee, essentially the same doubts were expressed on the question of Aden's territorial integrity upon independence. All the petitioners expressed the desire of their peoples for unity and independence but some questioned the sincerity of the United Kingdom. One petitioner for instance said that the United Kingdom wished to ensure the independence of the Western Protectorate because of its mutual interest with its rulers.

288. On 10 November 1966, the representative of the United Kingdom assured the Fourth Committee that it was his Government's policy that all the States of South Arabia, including the port and city of Aden and the Protectorate, should be included in the new independent State of South Arabia.

289. As a consequence, a preambular paragraph was included in the draft resolution recommended by the Fourth Committee to the General Assembly noting the assurance given by the administering Power.

Decision

290. The General Assembly, by the preambular paragraph of its resolution 2183(XXI), took note of the assurances given by the representative of the administering Power on 10 November 1966 concerning the territorial integrity and unity of South Arabia as a whole.

291. As has been reported, the General Assembly, by resolution 2065(XX), noting the existence of a dispute concerning sovereignty over the Falkland Islands (Malvinas), invited the Governments of Argentina and the United Kingdom to proceed without delay with the negotiations recommended by the Special Committee with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of General Assembly resolution 1514(XV) and the interests of the population of the Falkland Islands (Malvinas), and requested the Governments to keep the Special Committee and the Secretary-General informed of the progress of the negotiations.

292. During the period under review, the representatives of Argentina and the United Kingdom continued to keep the Secretary-General informed of the progress made in the negotiations, and the General Assembly adopted statements of consensus on the question on 20 December 1966 and 19 December 1967. The Assembly, however, took no action at its twenty-third session.

293. At its twenty-fourth session, the General Assembly adopted a statement of consensus by which it urged Argentina and the United Kingdom, bearing particularly in mind resolution 2065(XX) and the earlier consensuses, to continue their efforts to reach, as soon as possible, a definitive solution of the dispute as envisaged in their communications to the Secretary-General, and to keep the Special Committee and the Secretary-General duly informed during the coming year about the developments of the negotiations on that colonial situation, the elimination of which was of interest to the United Nations within the context of General Assembly resolution 1514(XV) of 14 December 1960.

(ii) Ifni and Spanish Sahara

294. As has been reported, the General Assembly, by resolution 2072(XX), recalling the Declaration on decolonization and bearing in mind that the latter had been inspired by the strong desire of the international community to put an end to colonialism wherever and in whatever form it might occur, urgently requested 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 problem relating to sovereignty presented by these two Territories.

295. As has been recorded above, the question of sovereignty over the Territory of Spanish Sahara remained unsettled during the period under review.

260. Of the four Protectorate States outside the Federation, one, Upper Yafai, formed part of the Western Protectorate, and the other three, Q'aiti, Kathiri and Mahra, made up the Eastern Protectorate. In addition there were the Kuria Muria Islands and the Kamaran Island which were separately administered. (See G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, chap. VI, para. 1.)

261. G A (XX), Annexes, a.i. 23/Addendum, chap. VI, paras. 124 and 137.

262. G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, chap. VI, para. 239; United Arab Republic; 245-248, Iraq; 264-267, Tanzania; 277, USSR; 284-287, Mali.

263. G A (XXI), 4th Comm., 1622nd mtg., para. 52.

264. Ibid., 1633rd mtg., para. 8, United Kingdom.


267. G A (XXI), Annexes, a.i. 23/A/7261 and Add.1, A/6262 and Add.1; G A (XXII), Annexes, a.i. 23, A/6661, A/6662; G A (XXII), Annexes, a.i. 23, A/7467, A/7468; G A (XXIV), Annexes, a.i. 23, A/7785, A/7786.

268. G A (XXI), Annexes, a.i. 23, A/6628, para. 13; G A (XXII), Annexes, a.i. 23, A/2013, para. 40.

269. G A (XXIV), Annexes, a.i. 23, A/7896, paras. 25-26 and 28.


271. See this Supplement, under Article 73b, section 4c.
296. In regard to the Territory of Ifni, the Special Committee, in June 1966, adopted a consensus272 by which it requested the Secretary-General, inter alia, to obtain from the Government of Spain as soon as possible information concerning the measures taken by it in implementation of paragraph 2 of General Assembly resolution 2072(XX) of 16 December 1965.

297. During the consideration of the question in the Special Committee, the representative of Spain declared273 that his Government was firmly resolved to implement the provisions of General Assembly resolution 2072(XX) and that, despite the peculiarities of the Territory of Ifni, the contacts established with Morocco should make it possible to find a satisfactory solution for the interests involved and provide the inhabitants with the necessary guarantees regarding their future.

298. Following the discussion, the Special Committee adopted274 a resolution, by 19 votes to none, with 3 abstentions, by which inter alia, it invited the administering Power to expedite the process of decolonization of Ifni and, in collaboration with the Government of Morocco, to make arrangements for the transfer of powers in accordance with the provisions of General Assembly resolution 1514(XV).

299. Similarly, the General Assembly, by resolution 2229(XXI) of 20 December 1966, called upon275 the administering Power to accelerate the decolonization of Ifni. Subsequently, the Assembly, in resolutions 2354 (XXII) and 2428(XXIII), reiterated the provisions of resolution 2229(XXI).

300. At its twenty-fourth session, the General Assembly took note276 of the retrocession of Ifni, on 30 June 1969, to the Government of Morocco, by the Government of Spain.

(iii) West New Guinea (West Irian)

301. As has been reported,277 the General Assembly, by resolution 1752(XVII), took note of the Agreement of 15 August 1962 between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian); acknowledged the role conferred upon the Secretary-General in the Agreement; and authorized the Secretary-General to carry out the tasks entrusted to him therein.

302. As has been recorded above,278 following the unanimous decision of the Consultative Assemblies of West New Guinea (West Irian) in favour of the Territory remaining under the sovereignty of Indonesia, the General Assembly, by resolution 2504(XXIV), took note of the report of the Secretary-General and his Representative on the tasks entrusted to them under the Agreement.

d. The process of decolonization in a Territory over which a dispute over sovereignty exists

(i) Gibraltar

303. As reported previously279, since its admission to the United Nations, Spain had expressed its reservations as to the status of Gibraltar as a United Kingdom administered Non-Self-Governing Territory. In Spain's view, the continued occupation of Gibraltar by the United Kingdom was a direct violation of paragraph 6 of resolution 1514(XV). It followed therefore that Article 73 did not apply to Gibraltar because it was not a Territory "whose inhabitants had not yet attained a full measure of self-government" since the inhabitants were not the indigenous population but were there as a result of an accident of colonial history. Furthermore, the application of the principle of self-determination would be in violation of paragraph 6 of resolution 1514(XV). Nevertheless, the Special Committee and the Assembly had continued to examine the situation in Gibraltar.

304. In 1964 the Special Committee adopted a consensus inviting the Governments of Spain and the United Kingdom to begin talks without delay, in accordance with the principles of the Charter, in order to reach a negotiated solution in conformity with the provisions of General Assembly resolution 1514(XV).

305. By resolution 2070(XX) the General Assembly, accepting the view of the Special Committee, invited the Governments of Spain and the United Kingdom to begin without delay the talks envisaged under the terms of that consensus. By this discussion, the Assembly accepted that, in cases where a dispute over sovereignty existed in respect of a colonial Territory, a negotiated solution should be reached by the parties concerned in conformity with the Declaration on decolonization.

306. During the consideration of the question in the Special Committee, in 1966, the representatives of Spain and the United Kingdom, while reiterating their Government's positions on the question of Gibraltar, expressed280 their willingness to continue to hold bilateral talks for a negotiated settlement of the dispute. Several representatives also supported281 the continuation of the negotiations between the Governments of Spain and the United Kingdom.

307. In the course of the discussion, the representative of the United Kingdom suggested282 that the legal issues in the dispute over Gibraltar should be referred to the International Court of Justice. However, the Government of Spain had consistently rejected such a proposal by the United Kingdom. A representative opposed283 the United Kingdom suggestion on the grounds that, if the parties to the dispute wished to have recourse to the International Court of Justice, it was their own affair, but it was not for the United Nations to propose the submission of a colonial problem to the Court.

308. Following the discussion, the Special Committee, by a vote of 16 to none, with 6 abstentions, adopted284

274 Ibid., para. 165.
275 Ibid., paras. 232 and 243.
276 Ibid., Plen. 1500 mtg., para. 105.
277 G A (XXIV), Plen., 1835th mtg., paras. 58 and 63.
279 See paras. 261-279 of this study.
a resolution, by which the Committee, recalling General Assembly resolution 2070(XX) of 16 December 1965 and the consensus of 16 October 1964, and taking into account the noted willingness of the administering Power and the Government of Spain to continue their negotiations, called upon the two parties to continue these negotiations in a constructive way and to report to the Special Committee as soon as possible and, in any event, before the twenty-second session of the General Assembly.

309. During the consideration of the question in the Fourth Committee, it was emphasized that the two Governments involved in the negotiations should take into account the interests of the people of the Territory and that a real and oral amendment to that effect was proposed to the draft resolution under consideration. The amendment was accepted by the sponsors. Thereupon, the draft resolution as a whole, as orally amended, was approved by the Fourth Committee by a roll-call vote of 78 to none, with 12 abstentions.

**Decision**

310. The General Assembly, by a roll-call vote of 101 to none, with 14 abstentions, adopted the draft resolution submitted by the Fourth Committee, as its resolution 2231(XXI). By this resolution the Assembly called upon the two parties to continue their negotiations, taking into account the interests of the people of the Territory, and asked the administering Power to expedite, without any hindrance and in consultation with the Government of Spain, the decolonization of Gibraltar, and to report to the Special Committee as soon as possible and, in any case, before the twenty-second session of the General Assembly.

311. In 1967, when the Special Committee again considered the question of Gibraltar, the issue again arose as to whether the decolonization process envisaged under resolution 1514(XV) applied to Gibraltar.

312. The representative of the United Kingdom informed the Special Committee that the continued negotiations between his country and Spain called for in General Assembly resolution 2231(XXI) had not taken place. Although agreement had been reached with Spain to hold talks on or about 18 April 1967, six days before that date the Spanish Government had established, in the vicinity of Gibraltar, a prohibited air zone in which all flying was banned, thus hampering access to Gibraltar.

313. He added that the referendum to be held on 10 September would offer the people of Gibraltar two choices, namely, to pass under Spanish sovereignty in accordance with the terms proposed by the Spanish Government on 18 May 1968, or voluntarily to retain their link with the United Kingdom, with the latter retaining its existing responsibilities. The United Kingdom regarded the referendum as an important, though not necessarily final, stage in the process of decolonization, and as a significant forward step in the implementation of resolution 2231(XXI), because it sought to establish whether the Spanish proposals were in accordance with the interests of the people of Gibraltar, which could not be established by an outside body.

314. Because the referendum was such an important step towards decolonization, his Government would welcome the presence of a Spanish observer. The United Kingdom had also informed the Secretary-General that it would welcome the presence of any observer whom he might wish to send.

315. On the other hand, the representative of Spain maintained that resolutions 2231(XXI) and 2070(XX) specified that the principle of self-determination should not apply to the civilian inhabitants of Gibraltar; resolution 2231(XXI) had merely stated that Spain and the United Kingdom should bear the interests of the inhabitants in mind. Therefore only paragraph 6 of the Declaration, supplemented by paragraph 7, offered a solution to the situation in Gibraltar, since paragraphs 3, 4 and 5 set forth principles for guaranteeing self-determination in cases to which paragraphs 1 and 2 applied. Although Spain had made proposals to the United Kingdom on how the interests of the people of Gibraltar might be safeguarded, the United Kingdom had proceeded to take its own measures.

316. The issue concerning the process of decolonization applicable to Gibraltar was discussed on the basis of two draft resolutions. A draft resolution by the United Kingdom would have the Special Committee declare that the holding by the administering Power of the envisaged referendum would contradict General Assembly resolution 2231(XXI) and would constitute an attempt to ignore the principle of national unity and territorial integrity embodied in paragraph 6 and the final part of paragraph 7 of resolution 1514 (XV). In a revised form, the second part of the paragraph concerning national unity and territorial integrity became a preambular paragraph.

317. In regard to the proposed referendum in Gibraltar, the representative of the United Kingdom stated that it would be contrary to the most elementary principles of justice and to the fundamental principles of the Charter to deny the people concerned the right to speak in their own cause. Besides, no one could dispute the United Kingdom's right to consult the people of the Territory under its administration on a matter of fundamental importance to their future.

319. In support of the United Kingdom's position, the view was expressed that sovereignty over Gibraltar, both de facto and de jure, rested with the United Kingdom, which was therefore the colonial Power and was responsible for the future of the people of the Territory. As the colonial Power, the United Kingdom was responsible for the future of the people of the Territory.
seeking to ascertain the wishes of the people by means of a referendum while simultaneously seeking to ensure that its bilateral treaty obligations to Spain were respected. The United Kingdom's actions were quite consistent with the letter and spirit of resolutions 1514(XV) and 2231 (XXI) and the referendum was a step forward in the process of decolonization. For these reasons, his delegation urged that the Special Committee should await the results of the referendum before taking further action.

320. Against the proposed referendum and in support of the revised text of the second draft resolution, it was argued that the referendum, which had been unilaterally decided upon by the United Kingdom, represented a direct departure from the system of bilateral negotiations called for in resolution 2231 (XXI). It was significant that that resolution, like resolution 2070 (XX), made no specific mention of the principle of self-determination and referred to the interests, rather than the will or the wishes, of the people, thus departing from the terminologies normally used, for the obvious purpose of placing the problem within the context of paragraph 6 of resolution 1514 (XV). Thus, in the case of Gibraltar, decolonization was intended to benefit, not the British inhabitants of Gibraltar, but the Territory itself, in other words, the parcel of land of which Spain had been deprived in violation of its national unity and territorial integrity.

321. It was also pointed out that the Treaty of Utrecht, under which Gibraltar had been ceded to the United Kingdom, was no longer valid under contemporary international law and that the United Kingdom's proposal to hold a referendum in Gibraltar would constitute a violation of the principle of non-intervention in a domestic matter affecting the jurisdiction of Spain. Since the question of Gibraltar had been submitted to bilateral negotiations under the auspices of the United Nations, any unilateral act by either party which could affect the political future of the Territory in dispute was a departure from the agreed procedure and unlawful intervention in the domestic affairs of the other country. Paragraph 7 of the Declaration on decolonization made that point clear and left no room for ambiguous interpretation. Consequently, the referendum could not be regarded as a valid instrument of decolonization. Several other representatives also opposed the referendum in Gibraltar as proposed by the United Kingdom.

322. In the view of some speakers, the unilateral action was not only unacceptable because the Assembly had called for negotiations between Spain and the United Kingdom but also because, in resolution 2231 (XXI), the General Assembly had named Spain as the partner of the administering Power, which went beyond the fact that Spain had a common frontier with the Territory. Some speakers also maintained that, if there was to be a referendum, all the indigenous inhabitants of the Territory should participate, but the Spanish population had been excluded by the administering Power.

323. On the question of national unity and territorial integrity, it was also argued that this was not relevant and should not be included in the draft resolution. Paragraph 6 of the Declaration, like resolution 1514 (XV) as a whole, was directed specifically at the Non-Self-Governing Territories; consequently Spain's claim regarding disruption of its national unity and territorial integrity was not relevant and could not be discussed in the Special Committee which was competent only to discuss colonial questions. If Gibraltar was a colonial Territory, the Committee had to discuss it as a colonial question.

Decision

324. Following the discussion, the draft resolution sponsored by the United Kingdom was rejected by the Special Committee by 10 votes to 3, with 11 abstentions. Thereupon, the Special Committee adopted the three-Power draft resolution by a roll-call vote of 16 to 2, with 6 abstentions. By this resolution, the Special Committee, considering that any colonial situation which partially or totally disrupted the national unity and territorial integrity of a country was incompatible with the purposes and principles of the Charter and especially with paragraph 6 of the General Assembly resolution 1514 (XV), declared that the holding by the administering Power of a referendum in the Territory on 10 September 1967 would contradict the provisions of resolution 2231 (XXI); regretted the interruption of the negotiations between Governments of the United Kingdom and Spain and that had been recommended in General Assembly resolutions 2070 (XX) and 2231 (XXI); and invited these Governments to resume without delay the negotiations with a view to putting an end to the colonial situation in Gibraltar and to safeguarding the interests of the population upon the termination of that colonial situation.

325. In the referendum which was held in Gibraltar on 10 September 1967 a large majority of Gibraltarians voted in favour of retaining their links with the United Kingdom rather than passing under Spanish sovereignty in accordance with the terms proposed by the Spanish Government on 18 May 1966.

326. Subsequently, speaking in the General Assembly, the United Kingdom representative rejected the resolution of the Special Committee.

327. At the twenty-second session of the General Assembly, the Fourth Committee considered the question of Gibraltar on the basis of three draft resolutions. A draft resolution sponsored by the United Kingdom would have had the General Assembly take note of the result of the referendum conducted in Gibraltar on 10 September 1967 according to which the overwhelming majority of the people of Gibraltar had voted in favour of retaining their links with the United Kingdom rather than passing under Spanish sovereignty, would have called upon the two parties to continue their negotiations, taking into account the freely expressed aspirations and interests of the people of the Territory and would have asked the administering Power to report to the Special Committee as soon as possible and in any case before the twenty-third session of the General Assembly.

328. An eight-Power draft resolution would have had the General Assembly call upon the two parties to con-
tinue their negotiations in accordance with General Assembly resolutions and would have asked the administering Power to expedite, without any hindrance and in consultation with the Government of Spain and taking into account the interests of the people of the Territory, the decolonization of Gibraltar and to report to the Special Committee as soon as possible.

329. A nineteen-Power draft resolution would have had the General Assembly deplore the holding of the referendum of 10 September 1967 by the administering Power as being in contravention of resolution 2231 (XXI) and of the resolution adopted on 1 September 1967 by the Special Committee and would have invited the Governments of Spain and the United Kingdom to resume without delay the negotiations provided for in General Assembly resolutions 2070(XX) and 2231(XXI) with a view to putting an end to the colonial situation in Gibraltar and to safeguarding the interests of the population upon the termination of that situation. Following the acceptance by the sponsors of a number of amendments which did not affect the central issue this became a twenty-five-Power resolution.

330. During the discussions, the United Kingdom maintained that Article 73 made no mention of assuring geographical unity in decolonization; nor had any Territory ever been annexed in that way on decolonization. In cases where there had been a conflict between the principle of territorial integrity and that of self-determination, the United Nations had always held that the latter principle should prevail, as had occurred in the British Cameroons. As regards the argument that, in the case of Gibraltar, the geographical principle should override that of respecting the wishes of the people because the population of the Territory was not indigenous, this was not true. The people of Gibraltar were not of United Kingdom origin; they were namely of Mediterranean stock and were a distinct community.

331. Specifically the United Kingdom opposed the twenty-five-Power proposal because a territorial claim should be adjudicated by a normal judicial process and not by a vote in the Fourth Committee; the call for decolonization of a Territory against the freely expressed wishes of the majority of the inhabitants and only ensuring that their interest should be safeguarded after decolonization was against the principles of the Charter and Article 73; singling out the principle of territorial integrity and the reference to disruption of national unity could be interpreted by some as endorsing the Spanish claim to Gibraltar.

332. Subsequently, the Committee approved the twenty-five-Power draft resolution by a roll-call vote of 70 to 21, with 25 abstentions. Subsequently, the draft resolutions submitted by the United Kingdom and by the eight-Powers were withdrawn.

Decision

333. The General Assembly, by a vote of 73 to 19, with 27 abstentions, adopted the draft resolution submitted by the Fourth Committee, as its resolution 2353 (XXII).

334. During the twenty-third session of the General Assembly, the Special Committee considered the question of Gibraltar and decided to transmit to the General Assembly the records of its deliberations in order to facilitate the Fourth Committee’s consideration of the question.

6. INTERNATIONAL RESPONSIBILITY FOR THE PROGRESS OF COLONIAL TERRITORIES TOWARDS THE ATTAINMENT OF SELF-DETERMINATION AND INDEPENDENCE

337. As previously reported and as the above studies in this section show, the General Assembly, through its decision over the years, has in fact established guidelines for the administering Powers in the fulfillment of their obligations under Article 73(b). Briefly, these may be summarized as follows: the primary responsibility of the administering Power for the political progress of a colonial Territory under its administration is to ensure that the peoples can and do exercise their right to self-determination and independence. Thus, constitutional and political progress must be based on the full participation of the indigenous populations in the political life of the Territory and it is the responsibility of the administering Power to develop and create the necessary conditions for such participation in a democratic government based on universal franchise. In certain cases this may involve the removal of conditions impeding such participation as, for instance, the elimination of discrimination, the repeal of restrictive legislation or the lifting of a state of emergency or the release of political prisoners. However, even when a people has chosen self-government, in accordance with resolution 1541 (XV), it must retain the right to independence and it is the responsibility of the administering Power to ensure that no restrictions are placed on this ultimate right.

311G A (XXIII), Annexes, a.r. 23/Addendum, A/7200/Rev.1, chap. XIV, para. 6.
312Ibid., Plen., 1747th mtg., para. 134.
313G A (XXIV), Plen., 1835th mtg., para. 68.

307Ibid., 1754th mtg., paras. 57-67.
308Ibid., paras. 52.
309Ibid., paras. 53-55.
310Ibid., Plen., 1641st mtg., para. 144.
338. As a corollary to the defined obligations of the administering Powers, the Assembly has also asserted the responsibility of the international community for the progress of the colonial peoples, as for instance through the sending of visiting missions and, in certain situations, the participation of the United Nations in the exercise of self-determination by the peoples of a Territory, as discussed in section 4 of the present study of Article 73b. In addition, the Assembly has asserted the responsibility of Member States as well as of the international organizations within the United Nations family to assist in the implementation of the various pertinent resolutions on Non-Self-Governing Territories.

339. During the period under review, the General Assembly, by resolution 2548(XXIV), urged all States, in particular the administering Powers, and the specialized agencies and international institutions associated with the United Nations, including the various programmes in the United Nations system, to give effect to the recommendations contained in the reports of the Special Committee for the speedy implementation of the Declaration on decolonization and the relevant United Nations resolutions. Furthermore, the Assembly, by resolutions 2189(XXI), 2326(XXII), 2465(XXIII) and 2548(XXIV) on implementation of the Declaration, requested the Special Committee to continue to perform its task and to seek suitable means for the immediate and full implementation of the Declaration in all Territories which had not yet attained independence. The Assembly also invited the Special Committee to continue to pay particular attention to the Small Territories and to recommend methods and also steps to be taken to enable the populations of those Territories to exercise fully their right to self-determination and independence.

340. During the period under review, the General Assembly also took decisions by which it requested the administering Powers concerned to introduce political and constitutional measures towards self-determination and independence in specific Territories, namely Aden, Basutoland, Bechuanaland, British Guiana, Equatorial Guinea, Fiji, French Somaliland, Gibraltar, Ifni, Mauritius, Oman, Papua and New Guinea, Portugal and the small Territories, and to invite the administering Powers concerned to introduce political and constitutional measures towards self-determination and independence in specific Territories, namely Aden, Basutoland, Bechuanaland, British Guiana, Equatorial Guinea, Fiji, French Somaliland, Gibraltar, Ifni, Mauritius, Oman, Papua and New Guinea, Portugal and the small Territories.

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

a. **General**

341. As has been reported, the General Assembly continued the practice of requesting the Secretary-General as well as Member States, in particular the administering Powers, to disseminate information on the work of the United Nations and the implementation of the Declaration.

342. At the twenty-first and twenty-second sessions of the General Assembly, the Special Committee recommended that the Assembly should continue to request the administering Powers to co-operate with the Secretary-General in promoting large-scale dissemination of the Declaration and of information on the work of the United Nations and, in particular, of the Special Committee, in the implementation of the Declaration.

**Decision**

343. The General Assembly, by paragraph 18 of resolution 2189(XXI) on implementation of the Declaration, requested the Secretary-General to promote, through the various organs and agencies of the United Nations, the continuous and large-scale publicizing of the Declaration and of the work of the Special Committee, in order that world opinion might be sufficiently aware of the situation in the colonial Territories and of the continuing struggle for liberation waged by the colonial peoples. Further, by resolution 2326(XXII), the Assembly requested the Secretary-General to take concrete measures through all the media at his disposal, including publications, radio and television, to give effect to the provisions of its resolutions 2105(XX), 2189(XXI), 2262(XXII), 2270(XXII) and 2288(XXII) concerning the widespread and continuous publicizing of the work of the United Nations in the field of decolonization, of the situation in the colonial Territories and of the continuing struggle for liberation being waged by the colonial peoples. The Assembly also requested the administering Powers to co-operate with the Secretary-General in promoting the large scale dissemination of information on the work of the United Nations in the implementation of the Declaration.

344. At the twenty-third session of the General Assembly, the Special Committee considered an item on the question of publicity for the work of the United Nations in the field of decolonization. During the discussion, it was observed that some of the publications of the Office of Public Information (OPI) dealing with the subject of decolonization contained incorrect or biased information. It was, therefore, suggested that:

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331 G A resolution 2183(XXI).
332 G A resolution 2134(XXI).
333 Ibid.
334 G A resolution 2071(XX).
335 G A resolutions 2220(XXII) and 2355(XXII).
336 G A resolutions 2185(XXII) and 2350(XXII).
337 G A resolutions 2228(XXII) and 2356(XXII).
338 G A resolutions 2231(XXII), 2353(XXII) and 2429(XXIII).
339 G A resolutions 2221(XXII), 2354(XXII) and 2428(XXIII).
340 G A resolution 2222(XXII) and 2357(XXII).
341 G A resolutions 2238(XXII), 2302(XXII), 2424(XXIII) and 2559(XXIV).
342 G A resolutions 2227(XXII), 2348(XXII), 2427(XXIII) and 2590(XXIV).
343 G A resolutions 2184(XXI), 2270(XXII), 2395(XXIII) and 2507(XXIV).
344 G A resolutions 2151(XXI), 2262(XXII), 2379(XXII), 2383(XXIII) and 2508(XXIV).
345 G A resolutions 2229(XXII), 2354(XXII), 2428 II(XXIII) and 2591(XXIV).
346 G A resolutions 2134(XXI).
347 G A resolutions 2232(XXII), 2357(XXII), 2430(XXIII) and 2592(XXIV).
(1) in the selection and presentation of background information, prominence should be given to material relevant to the considerations and conclusions outlined in the pertinent General Assembly and Special Committee resolutions; (2) the salient features of statements made by and communications received from petitioners should be set out; (3) the positions taken by individual delegations, including particulars of voting, should be clearly defined. Where this was not possible for reasons of space, an analytical account of the main trends in the discussion should be included, including an outline of the principal obstacles to the decolonization of the Territory under consideration; and (4) the OPI publications on the subject should be constantly controlled and checked by the officers of the Special Committee.

345. In response to the first three suggestions, the Assistant Secretary-General of OPI referred to the Secretary-General's introduction to his annual report to the General Assembly, in which the Secretary-General, recalling the mandate of OPI as established by the General Assembly in 1946, stated that "United Nations information . . . has been essentially of a factual nature concentrating on impartial and objective reporting of United Nations deliberations, decisions and events, and drawing its material basically from official records". He pointed out that such a very necessary policy limitation excluded the possibility of OPI doing anything more than faithfully reflecting and reporting the attitudes and views of member delegations on any question. He also emphasized that OPI was debarred from expressing any views of its own or taking any independent stand on any issue.

346. With regard to the fourth suggestion, the Assistant Secretary-General pointed out that the responsibility for the work of the Secretariat, whether in OPI or elsewhere, rested with the Secretary-General and could not be subjected to any "control" by officers of the Special Committee or any other committee. He assured the Special Committee however that, within the constitutional imperatives, OPI would maintain its established policy of seeking the closest possible cooperation with the substantive departments concerned and of seeking their guidance and advice in the preparation of information materials in all media.

347. It was decided that the Bureau of the Special Committee should maintain close contact, through the substantive department, with OPI, in order to ensure that the suggestions made during the debate were fully taken into account in the work of that Office. The Special Committee took note of the report of its Bureau, subject to any directions the General Assembly might wish to give in that regard.

Decision

348. Accordingly the General Assembly, by resolutions 2465(XXII) and 2548(XXIV) on implementation of the Declaration, requested the Secretary-General, having regard to the suggestions of the Special Committee, to take concrete measures through all the media at his disposal, including publications, radio and television, to give widespread and continuous publicity to the work of the United Nations in the field of decolonization, to the situation in the colonial Territories and to the continuing struggle for liberation being waged by the colonial peoples. The Assembly also requested Member States, in particular the administering Powers, to co-operate with the Secretary-General in promoting the large-scale dissemination of information on the work of the United Nations in the implementation of the Declaration.

349. During the period under review, the General Assembly also made similar decisions with respect to Territories under Portuguese administration and Southern Rhodesia.

b. Territories under Portuguese administration

350. During the consideration of the question of Territories under Portuguese administration in the Special Committee in 1967, it was pointed out that there had been almost unanimous condemnation of Portuguese colonial policy as a crime against humanity. The Special Committee and the General Assembly should, therefore, follow new lines of action on the basis of that condemnation, for instance, by appealing to governmental and non-governmental organizations to disseminate the truth about Portuguese activity and to mobilize their members for a worldwide moral boycott.

Decision

351. On the recommendation of the Special Committee, the General Assembly in paragraph 15 of resolution 2270(XXII), requested the Secretary-General, in consultation with the Special Committee, to promote through the various United Nations bodies and agencies the widespread and continuous publicizing of the work of the United Nations concerning the question of Territories under Portuguese administration so that world opinion might be sufficiently and accurately informed of the situation in those Territories and of the continuing struggle for their liberation and, for that purpose, to prepare periodically special publications to be widely distributed in various languages.

c. Southern Rhodesia

352. During the consideration of the question of Southern Rhodesia in the Special Committee in 1967, it was suggested that the Secretary-General should be requested to take all necessary steps to ensure that the truth about the situation in Southern Rhodesia and the fight of its people for liberation was disseminated as widely as possible.

Decision

353. On the recommendation of the Special Committee, the General Assembly in paragraph 19 of resolution 2262(XXII), requested the Secretary-General to promote, through the various organs and agencies of the United Nations, the continuous and large-scale publicizing of the work of the United Nations concerning the question of Southern Rhodesia, in order that world public opinion might be sufficiently aware of the grave situation in the Territory and of the continuing
struggle for liberation waged by the people of Zimbabwe.

C. Article 73c

354. In several instances during the period under review, colonial situations affecting international peace and security were drawn to the attention of the Security Council; such issues have also arisen both in the General Assembly and in the Special Committee.

355. The question of the effect on the decolonization process of military bases in colonial Territories continued to be raised in specific cases which are reviewed below.

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

356. As has been reported,434 the General Assembly and the Special Committee continued the practice of bringing to the attention of the Security Council the question of international peace and security arising in Non-Self-Governing Territories.

a. Questions arising in the General Assembly

357. During the period under review, the General Assembly brought to the attention of the Security Council the question of international peace and security arising in specific Territories.

(i) Territories under Portuguese administration

358. The General Assembly, in its resolution 2184 (XXI) of 12 December 1966, deeply concerned at the critical and explosive situation which was threatening peace and security owing to the intensification of the measures of repression and military operations against the people of the Territories under Portuguese administration, recommended to the Security Council that it make it obligatory for all States, directly and through their action in the appropriate international agencies of which they were members, to implement the measures contained in General Assembly resolution 2107(XX) and particularly those mentioned in paragraph 7 thereof.

359. In resolution 2270(XXII) of 17 November 1967, the Assembly, gravely concerned about the critical and explosive situation which was threatening international peace and security owing to the methods of oppression and the military operations which continued to be used against the African peoples of the Territories under Portuguese administration, drew the urgent attention of the Security Council to the continued deterioration of the situation in these Territories, as well as to the consequences of the violations by Portugal of the territorial integrity and sovereignty of the neighbouring independent African States that border its colonies and recommended that the Council consider urgently the adoption of the necessary measures to make mandatory the provisions of its resolutions concerning this question, particularly resolution 218(1965) of 23 November 1965, and the provisions of General Assembly resolutions 2107 (XX) of 21 December 1965 and 2184(XXI) of 12 December 1966.

360. In resolution 2395(XXIII) of 29 November 1968, the General Assembly, gravely concerned about the deteriorating situation in the Territories under Portuguese administration, which constituted a serious disturbance of international peace and security, drew the attention of the Security Council to the grave situation in these Territories which had also aggravated the explosive situation in southern Africa. In resolution 2507 (XXIV) of 21 November 1969, the General Assembly recommended that the Security Council, with a view to the immediate implementation of resolution 1514(XV) in the Territories under Portuguese domination, should take effective steps in conformity with the relevant provisions of the Charter and in view of the determination of the international community to put an end to colonialism and racial discrimination in Africa.

(ii) Southern Rhodesia

361. The General Assembly, in resolution 2151(XXI) of 17 November 1966, drew the attention of the Security Council once again to the grave situation prevailing in Southern Rhodesia, in order that it might decide to apply the necessary enforcement measures envisaged under Chapter VII of the Charter.

362. In paragraph 17 of resolution 2262(XXII) of 3 November 1967, the Assembly drew the attention of the Security Council to the need for applying the necessary measures envisaged under Chapter VII of the Charter in view of the deterioration of the grave situation in Southern Rhodesia.

363. In paragraph 9 of resolution 2383(XXIII) of 7 November 1968 the Assembly drew the attention of the Security Council to the urgent necessity of applying the following measures envisaged under Chapter VII of the Charter: (a) the scope of the sanctions should be widened further to include, with respect to the illegal racist régime in Southern Rhodesia, all the measures laid down in Article 41 of the Charter and (b) sanctions should be imposed on South Africa and Portugal, the Governments of which had blatantly refused to carry out the mandatory decisions of the Security Council.

364. In paragraph 12 of resolution 2508(XXIV) of 21 November 1969, the Assembly drew the attention of the Security Council to the gravity of the situation arising from the intensification of suppressive activities against the people of Zimbabwe and from armed attacks perpetrated against neighbouring States in violation of international peace and security; in paragraph 13, the Assembly reaffirmed its conviction that the sanctions would not put an end to the illegal racist minority régime in Southern Rhodesia unless they were comprehensive, mandatory, effectively supervised, enforced and complied with, particularly by South Africa and Portugal and, in paragraph 14, the Assembly further drew the attention of the Security Council to the urgent necessity of applying the following measures envisaged under Chapter VII of the Charter: (a) the scope of the sanctions against the illegal minority régime should be widened to include all the measures laid down in Article 41 of the Charter; and (b) sanctions should be imposed on South Africa and Portugal, the Governments of which had blatantly refused to carry out the mandatory decisions of the Security Council.

b. Questions arising in the Special Committee

365. The General Assembly, in its resolutions 2189 (XXI) of 13 December 1966, 2326(XXII) of 16 December 1967, 2465(XXIII) of 20 December 1968 and 2548...
(XXIV) of 11 December 1969 on the question of the implementation of the Declaration, requested the Special Committee to apprise the Security Council of developments in any Territory examined by the Committee which might threaten international peace and security and to make any concrete suggestions which might assist the Council in considering appropriate measures under the Charter. Pursuant to these resolutions, the Special Committee, during the period under review, brought to the attention of the Security Council the question of international peace and security arising in specific Territories.

(i) Territories under Portuguese administration

366. In paragraph 7 of its resolution of 20 June 1967, the Special Committee drew\(^{344}\) the urgent attention of the Security Council to the continued deterioration of the situation in the Territories under Portuguese administration as well as to the consequences of the aggressive acts committed by Portugal against the independent African States that bordered its colonies. In paragraph 8 of the same resolution, the Special Committee urgently recommended that the Security Council take necessary measures to make mandatory the provisions of its resolutions concerning this question, particularly resolution 218(1965) of 23 November 1965, and those of General Assembly resolution 2184(XXI) of 12 December 1966.

367. In paragraph 11 of its resolution of 26 June 1968 concerning the Territories under Portuguese administration, the Special Committee drew\(^{345}\) the urgent attention of the Security Council to the increased threat posed by the situation in the Territories under Portuguese administration, as well as to the consequences of the violations by Portugal of the territorial integrity and sovereignty of the neighboring independent African States. In paragraph 12 of the same resolution, the Special Committee recommended that the Security Council consider urgently the adoption of necessary measures to make mandatory the provisions of its own resolutions concerning the question, particularly resolution 218(1965) of 23 November 1965, and those of General Assembly resolutions 2107(XX) of 21 December 1965, 2184(XXI) of 12 December 1966 and 2270(XXII) of 17 November 1967.

(ii) Southern Rhodesia

370. In paragraph 1 of its consensus of 6 June 1967, concerning the question of Southern Rhodesia, adopted at its meeting held in Kitwe, Zambia, the Special Committee decided\(^{346}\) to transmit to the President of the Security Council the records of its debates on the question of Southern Rhodesia, including the relevant testimony submitted by the petitioners.

371. In paragraph 12 of its resolution of 9 June 1967, the Special Committee recommended\(^{347}\) to the Security Council, "in accordance with its decision contained in resolution 232(1966) of 16 December 1966, and, in particular, paragraph 1 thereof, to take the necessary measures under Chapter VII of the Charter of the United Nations".

372. In paragraph 4 of its resolution of 7 March 1968 on the question of Southern Rhodesia, the Special Committee drew\(^{348}\) the urgent attention of the Security Council to the grave situation in the Territory, with a view to its taking effective action to deal therewith.

373. At the request of the Special Committee, the Chairman made a statement on the question of Southern Rhodesia on 19 March 1968. In accordance with a decision taken by the Committee, the text of the statement was brought\(^{349}\) to the attention of the President of the Security Council, together with the summary records of the discussions in the Committee and the relevant working papers prepared by the Secretariat.

374. In paragraphs 12 and 13 of its resolution on the question of Southern Rhodesia, adopted on 10 June 1969, the Special Committee drew\(^{350}\) the attention of the Security Council to the gravity of the situation arising from the intensification of suppressive activities against the people of Zimbabwe and from the danger of aggression against neighboring States, which constituted a threat to international peace and security; it further drew the attention of the Security Council to the urgent necessity of applying the following measures envisaged under Chapter VII of the Charter: (a) the scope of the sanctions should be widened further to include all the measures laid down in Article 41 of the Charter with respect to the illegal racist regime in Southern Rhodesia; and (b) sanctions should be imposed on South Africa and Portugal, the Governments of which had blatantly refused to carry out the mandatory decisions of the Security Council.

\(^{344}\) G A (XXII), Annexes, a.i. 23/Addendum, A/6300/Rev.1, part I, chap. III, para. 1024.

\(^{345}\) G A (XXII), Annexes, a.i. 23/Addendum, A/7200/Rev.1, chap. VIII, para. 24.

\(^{346}\) Ibid., para. 25.

(iii) Colonial Territories considered by the Special Committee during its meetings away from Headquarters

375. In paragraph 4 of its resolution of 20 June 1967, the Special Committee recommended "once again that the Security Council make obligatory" against Portugal, South Africa and the illegal racist minority regime in Southern Rhodesia the measures provided for under Chapter VII of the Charter.

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

a. General

376. At its twentieth session, the General Assembly for the first time invoked the Nuremberg Principles and described colonialism, racial discrimination, segregation, apartheid and violations of economic and political rights as crimes against humanity threatening international peace and security.

377. During the consideration of the question of implementation of the Declaration on decolonization in the General Assembly, the view was expressed that colonialism was a crime which must be fought, just as mankind fought slavery and nazism. Colonialism was strongly condemned as a crime against the peoples of Africa and the view was expressed that the colonialists should be made conscious of the general disapproval and condemnation of their activities. The United Nations should once again declare the retention of colonialism in any of its forms and manifestations, including the system of apartheid and racial discrimination, a crime against humanity and civilization.

378. The question of crimes against humanity was contained in a draft resolution on the question of the implementation of the Declaration. In the ninth preambular paragraph, the Assembly was to express its full awareness that the continuation of colonial rule and the practice of apartheid as well as all forms of racial discrimination constituted a crime against humanity and civilization.

379. The General Assembly, by a separate vote of 63 to 16, with 22 abstentions, accepted the preambular paragraph. It then adopted the draft resolution by a vote of 76 to 6, with 27 abstentions, as its resolution 2105(XX) of 20 December 1965.

380. Subsequently, the General Assembly in its resolutions 2189(XXI) of 13 December 1966, 2326(XXII) of 16 December 1967, 2465(XXIII) of 20 December 1968 and 2548(XXIV) of 11 December 1969 on the question of the implementation of the Declaration, declared that the continuation of colonial rule threatened international peace and security and that the practice of apartheid and all forms of racial discrimination constituted a crime against humanity.

381. The General Assembly also took decisions containing similar provisions concerning Namibia, the Territories under Portuguese administration and Southern Rhodesia.

b. Namibia

382. In paragraph 4 of resolution 2074(XX) of 17 December 1965, the General Assembly condemned the policies of apartheid and racial discrimination practiced by the Government of South Africa in Namibia, declaring that these constituted a crime against humanity.

c. Territories under Portuguese administration

383. In paragraph 3 of its resolution 2184(XXI) of 12 December 1966, the General Assembly condemned, as a crime against humanity, the policy of the Government of Portugal that violated the economic and political rights of the indigenous population by the settlement of foreign immigrants in the Territories and by exporting African workers to South Africa.

384. Similarly, in paragraph 4 of its resolution 2277 (XXII) of 17 November 1967, the General Assembly strongly condemned the colonial war being waged by the Government of Portugal against the peaceful peoples of the Territories under its administration, declaring that this constituted a crime against humanity and a grave threat to international peace and security.

d. Southern Rhodesia

385. In paragraph 4 of its resolution 2022(XX) of 5 November 1965 and in paragraph 2 of its resolution 2262(XXII) of 3 November 1967, the General Assembly condemned the policies of racial discrimination and segregation practiced in Southern Rhodesia as a crime against humanity.

3. MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION WHICH MIGHT BE IMPEDING THE IMPLEMENTATION OF THE DECLARATION

386. As has been reported, the General Assembly was concerned with the question of military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration. Thus, in paragraph 12 of its resolution 2105(XX) of 20 December 1965 the General Assembly requested the colonial Powers to dismantle the military bases installed in colonial Territories and to refrain from establishing new ones.

353G A (XXII), Annexes, a.i. 23/Addendum, A/6700/Add.1, chap. I, para. 299.
354The crimes against humanity were enumerated in Article 6(c) of the Charter of the International Military Tribunal of 1945, on the basis of which the International Law Commission formulated the Nuremberg Principles. Article 6(c) reads in part: "(c) Crimes against humanity: namely, murder, extermination, enslavement, deportation, and any other inhuman acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connexion with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated." See United Nations, Treaty Series, vol. 82, No. 251, p. 266.
355G A (XX), Plen., 1385th mtg., Mali, para. 43.
356G Ibid., USSR, paras. 74 and 103.
358Ibid., p. 77.
a. Military bases in general

387. During the consideration the General Assembly at its twenty-first session, of the question of the implementation of the Declaration, the question of military bases and installations in colonial Territories impeding the full implementation of the Declaration was again raised. It was pointed out that the continuation of colonialism had resulted in the preservation of military interests all over the world. According to the arguments of the colonial Powers, the military bases located in the colonial Territories would help them in their overall strategy in the so-called "East-West confrontation". Thus, the colonial Territories were part and parcel of the "global" military policy of the colonial Powers. It was also stated that, with those military bases and installations, the small Territories or islands were slowly being turned into fortresses of destruction. Furthermore, it was asserted that the military bases maintained against the will of the colonial peoples formed part of the aggressive arsenal of the imperialist Powers and were being used in an attempt to repress the national liberation movements and thereby to protect the foreign economic and financial interests in the colonial Territories. In general, the majority view was that the military bases and installations in the colonial Territories were evidently impeding the full implementation of the Declaration and thereby denying the legitimate right of the colonial peoples to self-determination and independence.

388. On the other hand, it was pointed out that it was legally indefensible and politically erroneous to compare the military bases in the colonial Territories with those in the territories of independent States that had accepted such bases and had the right to seek their withdrawal at their discretion. In the case of colonies, where the populations were deprived of any possibility of deciding on these matters, the United Nations, as the protector of the colonial peoples, had every right and the obligation, in the interest of the implementation of the provisions of the Charter and the safeguarding of peace, to demand the dismantling of such military bases. Our representative considered that the Special Committee was competent to consider the question of military bases in colonial Territories only when there was clear evidence that the use of a particular military base or the installation of a new one in a particular Territory interfered or would interfere with the liberation of the people in that particular colonial Territory. A distinction must, therefore, be made as to whether or not a particular military base was used as an instrument of repression of the people in the Territory. There must be evidence of that fact; otherwise it would be dangerous to indulge in generalizations.

389. In the light of the discussion and reservations, the representative of the United States asserted that paragraph 11 of the draft resolution concerning withdrawal of military bases and installations from the colonial Territories constituted, in the words of the Charter, a recommendation "with respect to the maintenance of international peace and security" and consequently, an important question under Article 18(2) of the Charter. She therefore requested that paragraph 11 of the draft resolution be voted on separately and be considered adopted only if it received the requisite two-thirds majority.

390. Several representatives, however, argued against that motion on the grounds that the question of military bases and installations in the colonial Territories was essentially a colonial issue and that a similar issue had been dealt with by the General Assembly, at its twentieth session, by a majority vote, when it adopted paragraph 12 of resolution 2105(XX), requesting the colonial Powers to dismantle the military bases installed in colonial Territories and to refrain from establishing new ones.

391. Following the discussion, the General Assembly rejected the United States motion by 55 votes to 38, with 9 abstentions and accepted paragraph 11 of the draft resolution by a vote of 58 to 23 with 23 abstentions. Thereupon, the Assembly adopted the draft resolution as a whole by a vote of 76 to 7, with 20 abstentions, as its resolution 2189(XXI). By paragraph 11 of this resolution, the Assembly requested the colonial Powers to dismantle their military bases and installations in colonial Territories and to refrain from establishing new ones and from using those that still existed to interfere with the liberation of the peoples in colonial Territories in the exercise of their legitimate right to freedom and independence.

b. Military bases in specific Territories

392. Following the suggestion made at its twenty-first session that the General Assembly should recommend that the Special Committee make a thorough study of the problem of military bases on colonial Territories and work out measures for the speediest possible implementation of the provisions of paragraph 12 of General Assembly resolution 2105(XX), the Special Committee, in 1967, decided to undertake such a study and entrusted it to its Sub-Committee I.

393. Accordingly, Sub-Committee I examined the situation in Mauritius, Seychelles and St. Helena, Southern Rhodesia, South West Africa, Territories under Portuguese administration, Guam, Papua and New Guinea, and the Caribbean Territories.

394. At the request of Sub-Committee I, the Secretariat addressed letters to the Permanent Missions of Australia, France, New Zealand, Portugal, Spain, the United Kingdom and the United States, requesting those Powers to provide information on military activities and arrangements in the Territories under their administration. In response, the Permanent Missions of Australia, New Zealand, the United Kingdom and the United States, inter alia, stated that under Article 73e of the Charter they were not obliged to transmit information concerning military activities and arrangements in the Territories under their administration and regretted...
their inability to comply with the request of the Secretariat. They also pointed out that the defence arrangement which had been made in the Territories for which they were responsible were entirely consistent with their obligations and rights under the Charter, including their obligation to assist the cause of international peace and security.

395. Owing to the refusal of the administering Powers to co-operate and in view of the lack of time and information available, Sub-Committee I decided \(^{378}\) to continue its consideration of the item at its next session in 1968.

396. During the twenty-second session of the General Assembly, the Special Committee considered the report of Sub-Committee I and endorsed \(^{377}\) its decisions, subject to the following reservations made by some members of the Committee.

397. The representative of Italy pointed out \(^{379}\) that a broad consensus had never been achieved on the highly controversial question of military bases: for example, forty-six Member States had not supported General Assembly resolution 2189(XXII), which requested the colonial Powers to dismantle their military bases and installations in colonial Territories. Furthermore, that question was only a part of the general problem of disarmament and almost all Member States were in agreement that it must be considered in conjunction with other disarmament problems, as was clear from their adoption of General Assembly resolution 2165(XXI) on the elimination of foreign military bases in the countries of Asia, Africa and Latin America. It would be inappropriate for the Special Committee to formulate conclusions on the matter while the Eighteen-Nation Committee on Disarmament was considering the problem.

398. The representative of Ivory Coast reaffirmed \(^{375}\) his Government’s view that the question was a domestic one and that it was for colonial Territories themselves, as they approached independence, to negotiate with the administering Power the maintenance or withdrawal of military bases. He also expressed the view that the Special Committee was not the appropriate forum for a final decision on the question of military bases.

399. The representative of Iran reiterated \(^{380}\) that the question of military bases was distinct from the question of colonialism and must be decided by the people of the Territory.

400. The General Assembly took into account the report of the Special Committee; its own discussion in plenary generally reflected the views expressed in the Special Committee.

**Decision**

401. The General Assembly, by a vote of 86 to 6, with 16 abstentions, adopted \(^{381}\) a draft resolution proposed by the Special Committee as its resolution 2326(XXII) on the implementation of the Declaration. In paragraph 4, the General Assembly approved, *inter alia*, the study of military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration'. In paragraph 10, the Assembly requested the colonial Powers to dismantle their military bases and installations in colonial Territories and to refrain from establishing new ones and from using those that still existed to interfere with the liberation of the peoples in these Territories in the exercise of their legitimate rights to freedom and independence.

402. In 1968, Sub-Committee I of the Special Committee made a study \(^{382}\) of the military activities and arrangements in Namibia, Nauru, Gibraltar, Territories under Portuguese administration, Seychelles, St. Vincent, St. Lucia, St. Kitts and Nevis, Antigua and the United States Virgin Islands. The Sub-Committee, however, stated \(^{383}\) that the colonial Powers had refused to co-operate with it on the question of working out concrete measures aimed at the implementation of General Assembly resolutions 2105(XXI), 2189(XXI) and 2326(XXII).

403. During the consideration of the report of Sub-Committee I in the General Committee, several representatives questioned \(^{384}\) the competence of the Special Committee to deal with the problem of military bases and installations in the colonial Territories. They argued that the entire matter of military bases in Asia, Africa and Latin America was only part of the overall problem of disarmament as had been recognized by the General Assembly in resolutions 2165(XXI) and 2344(XXII). It would, therefore, be inadvisable and unnecessary for the Special Committee to formulate conclusions on a matter which was then being considered by the Eighteen-Nations Committee on Disarmament.

404. The representatives of certain members of NATO that were also colonial Powers, concluded \(^{385}\) that the allegations against them in the Sub-Committee’s report, that the military bases and installations in the Territories under their administration were impeding the implementation of the Declaration, were not true. They argued that, under the provisions of the Charter and of the Trusteeship Agreements, they were entitled to maintain military bases and installations in order to defend the inhabitants of the Territories, as well as to maintain international peace and security in the region.

405. Several other representatives, however, rejected \(^{386}\) the arguments of the colonial and other Powers and contended that the Special Committee had the competence to deal with the question of military bases and installations in the colonial Territories in accordance with the General Assembly’s decision in resolution 2326(XXII). Furthermore, they stated that the military bases and installations were evidently impeding the implementation of the Declaration in the colonial Territories.

406. Following the discussion, the representative of Italy proposed \(^{387}\) that the vote on the Sub-Committee’s report should be postponed since the problem before the Special Committee was not urgent and, being on the agenda of the First Committee, would in any event be

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\(^{376}\) Ibid., para. 14.

\(^{377}\) Ibid., Annexes, a.i. 23/Addendum, part I, chap. I, para. 269.

\(^{378}\) Ibid., para. 272.

\(^{380}\) Ibid., para. 276.

\(^{381}\) Ibid., para. 279.

\(^{382}\) A (XXIII), Annexes, a.i. 23/Addendum, chap. IV, Annex.

\(^{383}\) Ibid., para. 6.

\(^{384}\) A/AC.109/SR.638, Madagascar; A/AC.109/SR.640, United States, Italy, United Kingdom, Australia.

\(^{385}\) A/AC.109/SR.640, United States, Italy, United Kingdom; A/AC.109/SR.641, Australia.

\(^{386}\) A/AC.109/SR.638, Sierra Leone, USSR; A/AC.109/SR.640, United Republic of Tanzania, Sierra Leone, Yugoslavia, USSR, Syria, Mali, Poland; A/AC.109/SR.641, USSR, Bulgaria.

\(^{387}\) A/AC.109/SR.641, Italy.
examined by the General Assembly. Another representative suggested that the Special Committee, following the practice of other United Nations bodies, should merely take note of the report and decide to transmit the entire document to the Fourth Committee for consideration.

Decision

407. The Special Committee, by a roll-call vote of 13 to 6, with 3 abstentions, rejected the Italian proposal.

408. Paragraph 27(f) of the report reading: "[The Special Committee] Condemns the use of military bases in colonial Territories against third parties as contrary to the spirit of the Charter and a threat to international peace and security" was adopted by 10 votes to 4, with 9 abstentions.

409. The Special Committee adopted the report of Sub-Committee I as a whole by 16 votes to 4, with 3 abstentions. In adopting the report, the Special Committee endorsed the conclusions and recommendations of Sub-Committee I.

410. The Special Committee, _inter alia_, concluded that strategic military considerations were an important factor in prolonging colonial rule in many parts of the world. Far from dismantling their military bases in colonial Territories in response to appeals by the United Nations and the non-aligned nations, the colonial Powers and their allies were increasing military activities and arrangements as well as expanding existing bases and building new ones. Not only was this an important factor impeding the process of decolonization, but it inevitably led to interference with the economic development of the Territories concerned both through the extensive alienation of land for military purposes and by drawing the population away from productive activities, as in the case of Guam and Gibraltar where the bases played a dominant role in the local economy.

411. The Special Committee considered that the military activities and arrangements by colonial Powers in Territories under their administration and the use of military bases in colonial Territories for military operations against a third party or for the suppression of independence movements in any part of the world were contrary to the spirit of the Charter and an abuse by the administering Powers of their moral responsibilities towards the peoples under their administration.

412. In its recommendation, _inter alia_, the Special Committee, _inter alia_, affirmed that, on the whole, military activities and arrangements by colonial Powers in Territories under their administration constituted a serious impediment to the implementation of the Declaration; strongly condemned as a crime against humanity and as a serious threat to international peace and security, the wanton use of military force by colonial Powers to suppress the legitimate aspirations of colonial peoples to self-determination and independence and, in particular, vehemently condemned the Governments of South Africa and Portugal and the illegal racist minority régime in Southern Rhodesia for the continuing intensification of their co-ordinated military aggression against the liberation movements and peoples in Territories under their domination; and requested all States having responsibility for the administration of colonial and trust Territories, to comply unconditionally with the provisions of paragraph 12 of General Assembly resolution 2105(XX) of 20 December 1965, paragraph 11 of General Assembly resolution 2189(XXI) of 13 December 1966, and paragraph 10 of General Assembly resolution 2326(XXII) of 16 December 1967, whereby the General Assembly requested all colonial Powers to dismantle their military bases and installations in colonial Territories and to refrain from establishing new ones.

413. Although the Special Committee, on 1 April 1968, decided to take up, as a separate item, the question of military activities and arrangements by colonial Powers in the Territories under their administration which might be impeding the implementation of the Declaration, it did not, however, recommend to the General Assembly to place the item on its agenda at its twenty-fourth session. In its programme of work for 1969, the Special Committee proposed to continue its study on the problem subject to any directives which the General Assembly might wish to give in that connexion. As in previous years, the General Assembly took into account the problem while considering the general question of the implementation of the Declaration.

Decision

414. The General Assembly, by a vote of 87 to 7, with 17 abstentions, adopted a fourteen-power draft resolution, as its resolution 2465(XXIII) of 20 December 1968. In paragraph 9 of the resolution, the General Assembly requested the colonial Powers to dismantle their military bases and installations in colonial Territories and to refrain from establishing new ones and from using those that still existed to interfere with the liberation of the peoples in colonial Territories in the exercise of their legitimate right to freedom and independence.

415. In 1969, the Special Committee again decided to take up separately the item on military activities and arrangements by colonial Powers in the Territories under their administration which might be impeding the implementation of the Declaration. As in the previous year, Sub-Committee I examined the situation in the same ten Non-Self-Governing and Trust Territories and submitted its report with conclusions and recommendations to the Special Committee.

Decision

416. On 29 October 1969, the Special Committee adopted the report of Sub-Committee I by a vote of 16 to 2, with 3 abstentions and endorsed the conclusions and recommendations contained therein.

417. The Special Committee concluded that the structure, objectives and purposes of military establishment in colonial countries remained essentially the same as those outlined in its 1968 report. The Special Committee...
mittee was therefore compelled to reaffirm the conclusions drawn from its study of the question in 1968 and to reemphasize that those military arrangements and activities constituted one of the most serious impediments to the implementation of the Declaration.

418. The Special Committee deplored the attitude of all States having responsibility for the administration of colonial and trust Territories, which had not complied with General Assembly resolutions 2105(XX), 2189 (XXI), 2326(XXII) and 2465(XXIII) requesting all colonial Powers to dismantle their military bases and installations in colonial Territories and to refrain from establishing new ones and called upon them to comply with those resolutions.

Decision

419. At its twenty-fourth session, the General Assembly, by a vote of 78 to 5, with 16 abstentions, adopted a draft resolution submitted by twenty Powers, as its resolution 2548(XXIV). In paragraph 8 of the resolution, the General Assembly requested the colonial Powers to dismantle without delay their military bases and installations in colonial Territories and to refrain from establishing new ones.

420. During the period under review, the General Assembly also took decisions on Oman, Papua and the Trust Territory of New Guinea, and Territories not considered separately, concerning military bases and arrangements in those Territories.

(i) Oman

421. In paragraphs 6 and 7 of resolution 2238(XXI) of 20 December 1966, and paragraphs 6 and 8 of resolution 2302(XXII) of 12 December 1967, the General Assembly considered that the maintenance of military bases, depots and troops in the Territory constituted a major hindrance to the exercise by the people of their rights to self-determination and independence and was prejudicial to the peace and security of the region and that their immediate removal was therefore essential, and called upon the Government of the United Kingdom to withdraw British troops from the Territory of Oman immediately.

422. In resolutions 2424(XXIII) of 18 December 1968 and 2559(XXIV) of 12 December 1969, the General Assembly, deploring the refusal of the United Kingdom to implement the relevant resolutions concerning Oman, reaffirmed its resolutions 2238(XXI) of 20 December 1966 and 2302(XXII) of 12 December 1967, and called upon the Government of the United Kingdom to implement them fully.

(ii) Papua and the Trust Territory of New Guinea

423. In paragraph 5 of resolution 2227(XXI) of 20 December 1966, the General Assembly called upon the administering Power to refrain from utilizing the Territories for military activities incompatible with the Charter.

424. In paragraph 2 of resolution 2348(XXII) of 19 December 1967, the General Assembly reaffirmed its previous position, as set forth in its resolutions 2112 (XX) and 2227(XXI).

425. In resolution 2427(XXIII) of 18 December 1968, the General Assembly, recalling its resolutions 1514 (XV) of 14 December 1960, 2112(XX) of 21 December 1965, 2227(XXI) of 20 December 1966 and 2348(XXII) of 19 December 1967, regretted the fact that the administering Power had not yet fully implemented the provisions of these resolutions.

426. In resolution 2590(XXIV) of 16 December 1969, the General Assembly, recalling its resolutions 2227 (XXI) of 20 December 1966, 2348(XXII) of 19 December 1967 and 2427(XXIII) of 18 December 1968, reaffirmed its previous resolutions regarding this Territory.

(iii) Small Territories

427. In paragraph 4 of resolution 2232(XXI) of 20 December 1966, on Territories not considered separately, the General Assembly reiterated its declaration that any attempt aimed at partial or total disruption of the national unity and the territorial integrity of colonial Territories and the establishment of military bases and installations in these Territories was incompatible with the purposes and principles of the Charter and of General Assembly resolution 1514(XV).

428. Subsequently, in paragraph 4 of each of its resolutions 2357(XXII) of 19 December 1967, 2430(XXIII) of 18 December 1968 and 2592(XXIV) of 16 December 1969, the General Assembly reiterated paragraph 4 of resolution 2232(XXI) of 20 December 1966.

D. Article 73d

1. INTRODUCTION

429. Under Article 73d, the administering Powers of Non-Self-Governing Territories accepted as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of the Territories and, to that end, to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic and scientific purposes set forth in the Article.

430. A number of different issues relating to assistance by Member States as well as by the specialized agencies and other international institutions associated with the United Nations have been covered in the previous studies. In the early period the issues related mainly to assistance to be provided by the specialized agencies under the United Nations technical assistance programmes. In the period from 1960 onwards the issues centered on the obligation of the specialized agencies and other international institutions associated with the United Nations to assist the colonial peoples.

431. These discussions subsequently led to a decision by the General Assembly in resolution 2105(XX) in which, on the one hand, it requested all States and international institutions, including the specialized agencies, to withhold assistance of any kind to the Governments of Portugal and South Africa until they had renounced their policy of colonial domination and racial discrimination. On the other, it invited all States to provide material and moral assistance to the national liberation movements in colonial Territories. A further similar
appeal was addressed especially to the International Bank for Reconstruction and Development (IBRD) and the International Monetary Fund (IMF) to refrain from granting loans to Portugal and South Africa until they had renounced their policy of colonial domination and racial discrimination. In a separate decision, the United Nations High Commissioner for Refugees (UNHCR) and other bodies were called upon to provide assistance to refugees from colonial Territories.

432. During the period under review the issue of withholding assistance to Portugal and South Africa was again raised. Other issues were raised concerning the provision of assistance by the specialized agencies to national liberation movements and the obligations of specialized agencies and other international institutions associated with the United Nations in the implementation of the Declaration. Apart from decisions on these issues, the Assembly reaffirmed and elaborated its requests for withholding military assistance to Portugal, as well as its requests to the appropriate agencies to assist refugees from colonial Territories.

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

a. General

433. Following its previous practice, the General Assembly addressed requests to the specialized agencies and international institutions associated with the United Nations to withhold assistance from the Governments of Portugal and South Africa and the illegal racist minority régime in Southern Rhodesia. Thus, the Assembly, in resolution 2189(XXI) of 13 December 1966 on the question of the implementation of the Declaration, requested all States, directly and through action in the international institutions of which they were members, including the specialized agencies, to withhold assistance of any kind from these Governments and this régime until they renounced their policy of racial discrimination and colonial domination.

434. During the consideration of the item in the Fourth Committee at the twenty-second session, the representative of Bulgaria stated that the General Assembly should again request all specialized agencies and international institutions associated with the United Nations not to give any assistance whatsoever to the racist and colonial régimes in southern Africa. It was pointed out that despite the previous General Assembly resolutions to that effect, some of the specialized agencies had raised constitutional obstacles to the implementation of the General Assembly resolutions, and that the International Bank for Reconstruction and Development and the International Monetary Fund had ignored the General Assembly resolutions and continued to grant fresh loans to the Governments of Portugal and South Africa.

435. The representative of Portugal, in defence of the actions of the specialized agencies, stated that these had been created to give, and not to deny, assistance to the Governments of Member States on a strictly technical basis, without discrimination on political grounds. While recommendations were not orders, those from the United Nations were a form of political pressure and could embarrass the specialized agencies which had a right to freedom from such interference.

436. On the other hand, it was suggested that it was time that the relationship and agreements between the United Nations and the specialized agencies, as also the constitutions of the agencies, were reviewed with a view to bringing them into line with the Charter and the current trend towards decolonization. Furthermore, it was argued that since the constitutions and agreements were based on the Charter, the basic purpose of which was world peace, it was a violation of the Charter, and hence of the agreements and constitutions of the international agencies and institutions, to grant assistance to states that were carrying on colonial wars and committing crimes against humanity.

437. During the debate in the Fourth Committee, the representatives of UNESCO, WHO, ILO and FAO made statements in which they, inter alia, stated that their organizations had taken appropriate action to implement the Declaration and other relevant resolutions of the General Assembly. The World Health Assembly, in its resolution WHA 17.50, had suspended South Africa's right to vote and, on the recommendation of its Regional Committee for Africa, had suspended Portugal's right to participate in that Committee and in regional activities until it had furnished proof of its willingness to conform to the injunctions of the United Nations; it had also suspended technical assistance to Portugal in implementation of paragraph 9 of General Assembly resolution 2107(XX). WHO had had no direct relations with the Southern Rhodesian authorities since the unilateral declaration of independence and was no longer carrying out any projects in that country. Furthermore, the General Assembly resolution 2248(S-V) concerning Namibia would be brought to the attention of the governing organs of WHO at their next session.

438. The representative of the International Bank for Reconstruction and Development however, referred to the consultations which had taken place between the Secretary-General of the United Nations and the President of the Bank, together with the Legal Counsel of the United Nations and the General Counsel of the Bank, pursuant to General Assembly resolutions 2184(XXI) and 2202(XXI), as well as to the letter of 18 August 1967 from the President of the Bank to the Secretary-General in which he had expressed the earnest desire of the Bank to co-operate with the United Nations to the extent consistent with the Bank's Articles of Agreement.

439. During the consideration of a draft resolution on the question, particularly paragraph 4 thereof, by which the Assembly would recommend the specialized agencies and international institutions associated with the United Nations not to grant any assistance to South Africa and Portugal until they had renounced their policy of racial discrimination and colonial domination, several representatives expressed their reservations to those proposed amendments.

440. The representative of Sweden stated that it was of great importance that...
within the framework of the Charter and the rules gov-
erning the various agencies and institutions, the whole
United Nations family should contribute towards the
attainment of the goals of the Declaration. However,
the implementation of Articles 58, 63 and 64 of the
Charter gave rise to legal and administrative problems
which had not been solved. In the circumstances, his
degression would abstain in the vote on the draft resolu-
tion. The Fourth Committee of the South Africa stated
that the draft resolution virtually directed the General
Assembly to compel the specialized agencies to take
political considerations rather than technical criteria
into account in deciding on requests for technical assist-
ance. That would undermine the whole technical struc-
ture of their operations. The specialized agencies and,
in particular, the World Bank, were being invited, in some
instances, to act in violation of their constitutions or
statutes. South Africa would refuse to be a party to such
a procedure and would oppose the draft resolution.
Despite these opposing views, the Fourth Committee,
by a separate roll-call vote of 68 to 7, with 25 absten-
tions, approved³⁴ paragraph 4 of the draft resolution
and, by a roll-call vote of 83 to 2, with 17 abstentions,
approved the draft resolution as a whole.

Decision

440. The General Assembly, by a vote of 81 to 2, with
18 abstentions, adopted the draft resolution submitted
by the Fourth Committee, as its resolution 2311(XXII).³⁴⁷
In this resolution, the Assembly recommended the
specialized agencies and international agencies not to
grant any assistance to South Africa and Portugal until
they had renounced their policy of racial discrimination
and colonial domination. Subsequently, the Assembly,
in resolution 2426(XXIII) of December 1968, noting
with regret that some of the specialized agencies and in-
ternational institutions associated with the United
Nations, and in particular the International Bank for
Reconstruction and Development and the International
Monetary Fund, had not so far implemented General
Assembly resolution 2311(XXII) and other relevant
resolutions, appealed once again to all the specialized
agencies and international institutions, and in par-
ticular, the Bank and the Fund, to take all necessary
steps to withhold from the Governments of Portugal
and South Africa financial, economic, technical and
other assistance until they had renounced their policies
of racial discrimination and colonial domination. In
resolution 2555(XXIV) of 12 December 1969, the
Assembly reiterated these provisions of its resolutions
2311(XXII) and 2426(XXIII).

b. Territories under Portuguese administration

441. The General Assembly, in paragraph 9 of resolu-
tion 2184(XXI) of 12 December 1966, appealed once
again to all the specialized agencies, in particular, to the
International Bank for Reconstruction and Development
and the International Monetary Fund, to refrain
from granting Portugal any financial, economic or tech-
nical assistance as long as the Government of Portugal
failed to implement General Assembly resolution 1514
(XXV) and, in paragraph 10, it requested the Secretary-
General to enter into consultations with the Bank in
order to secure its compliance with General Assembly

resolutions 2105(XX) of 20 December 1965 and
2107(XX) of 21 December 1965 as well as with the pre-
sent resolution.

442. Accordingly, the Secretary-General initiated con-
sultations with the President of the Bank. In order to
facilitate the consultations, the Legal Counsel of the
United Nations and the General Counsel of the Bank
prepared detailed legal briefs on the question.³⁴⁸

443. The Bank's position was essentially based on two
grounds.³⁴⁹ First, the General Counsel of the Bank con-
tended that the General Assembly had adopted resolu-
tion 2105(XX), requesting the Bank, inter alia, not to grant loans to
Portugal and South Africa, without prior consulta-
tion with the Bank as provided for under Article IV of the
Relationship Agreement between the Bank and the
United Nations.³⁵⁰ The Legal Counsel of the United
Nations, on the other hand, argued that the direct com-
179

munications between the Secretary-General and the
President of the Bank with respect to the relevant
General Assembly resolutions and the participation by
the General Counsel of the Bank in the Fourth Com-
mittee of the General Assembly at its twentieth session,
during the consideration of the question of Territories
under Portuguese administration constituted "reason-
able consultation" prior to the adoption of the General
Assembly resolutions 2105(XX) and 2107(XX).

444. Second, the General Counsel of the Bank main-
tained that, under Section 10 of Article IV of the Arti-
cles of Agreement, the Bank was prohibited from taking
into consideration the "political affairs" of a Member
State while considering its application for economic
assistance. The Legal Counsel of the United Nations
argued that, under paragraph 1 of Article IV of the
Relationship Agreement, the Bank had an obligation,
under Article 48 of the Charter, to comply with Security
Council decisions taken under Articles 41 and 42 of the Charter with respect to the
maintenance of international peace and security.
Furthermore, the Legal Counsel pointed out that, on
13 September 1951, without any relevant amendment of
its Articles of Agreement, the Bank had considered
itself empowered to adopt a resolution to the effect that
"the Bank, in the conduct of its activities, shall have
due regard for recommendations of the General Assem-
by made pursuant" to General Assembly resolution
377(IV), the "Uniting for Peace" resolution. That action
by the Board of Governors, the organ of the Bank ex-
pressly charged under Article IX of the Bank's Articles
of Agreement with authority to interpret those articles,
was the strongest possible evidence that there was no
constitutional objection to the Bank, in its "considera-
tion" of General Assembly resolutions relating to Por-
tugal and South Africa, having due regard for and com-
plying with the recommendations contained in such
resolutions.

445. The Legal Counsel of the United Nations also
pointed out³⁵¹ that, against the legal background, it
might be useful to take account of the Bank's position
as a member of the United Nations family of institu-
tions. It seemed hardly likely that the Bank would wish
to ignore entirely the virtually unanimous condemna-
tion by the international community, expressed through
the United Nations as the organization having primary
responsibility in that field, of the international conduct

³⁴³G A (XXII), 4th Comm., 1744th mtg., para. 19.
³⁴⁴Ibid., para. 21.
³⁴⁵G A (XXII), Annexes, a.i. 97, p. 4.
³⁴⁶G A (XXII), Annexes, a.i. 66, A/6825, annex I.
³⁴⁷Ibid., paras. 24-41.
³⁴⁹G A (XXII), Annexes, a.i. 66, A/6825, annex I, para. 41.
of Portugal and South Africa. The international institutions created after the Second World War were intended to work in harmony in the maintenance of international peace and security and not in conflict. In the circumstances, it seemed incongruous that, on the one hand, the General Assembly of the United Nations had found that the policies of certain States threatened international peace and security and that those States were guilty of practices constituting “a crime against humanity” while on the other, the Bank felt bound to grant loans to those States on the basis solely of the economic considerations that the projects involved were sound and that repayment was guaranteed.

446. In the light of the respective legal position maintained by the Bank and the United Nations, the President of the Bank, on 18 August 1967, informed the Secretary-General that, in the circumstances:

“I should like at this point to leave legal argumentation aside and to assure you—and through you the various United Nations organs concerned—that the World Bank is keenly aware and proud of being part of the United Nations family. Its earnest desire is to co-operate with the United Nations by all legitimate means and, to the extent consistent with its Articles of Agreement, to avoid any action that might run counter to the fulfillment of the great purposes of the United Nations. I give you this assurance in the hope that it may be helpful in dissipating any misunderstanding of the Bank’s attitude.”

447. The Fourth Committee considered the report of the Secretary-General on his consultations with the Bank and by a roll-call vote of 80 to 8, with 15 abstentions, approved a resolution on the question of Territories under Portuguese administration.

Decision

448. The General Assembly, by a vote of 82 to 7, with 21 abstentions, adopted the draft resolution submitted by the Fourth Committee, as its resolution 2270 (XXII) of 17 November 1967. By this resolution, the General Assembly, taking note of the report of the Secretary-General relating to his consultations with the International Bank for Reconstruction and Development in pursuance of General Assembly resolutions 2184(XXI) of 12 December 1966 and 2202(XXII) of 16 December 1966, appealed once again to all the specialized agencies, in particular to the Bank and the International Monetary Fund, to refrain from granting Portugal any financial, economic or technical assistance as long as its Government failed to implement General Assembly resolution 1514(XV).

(c. In case of wars against the inhabitants of the Territories

(i) General

449. As has been reported, the General Assembly, by resolution 2105(XX), requested all States and international institutions, including the specialized agencies of the United Nations, to withhold assistance of any kind to the Governments of Portugal and South Africa until they had renounced their policy of colonial domination and racial discrimination.

450. During the consideration of the question of the implementation of the Declaration, in the Plenary of the General Assembly at its twenty-first session, it was pointed out that the member States of the North Atlantic Treaty Organization had continued to support the “Unholy Alliance” of Portugal, Southern Rhodesia and South Africa, directed against the national liberation movements in Southern Africa as well as the independent States of Africa. It was, therefore, urged that the General Assembly should draw the attention of all States to the dangerous consequences of the formation in southern Africa of a tripartite alliance of the colonialist and racist regimes and should urgently appeal to all States to refrain from giving any support, any help, or any co-operation to that alliance, which was directed towards preserving colonialist slavery and against the peoples of Africa. Assistance to any one of its members should be considered as assistance to the whole of that colonialist alliance.

Decision

451. Following the discussion, the General Assembly, by a vote of 76 to 7, with 20 abstentions, adopted resolution 2189(XXI), by paragraph 10 of which, it drew the attention of all States to the grave consequences of the formation in the southern part of Africa of an entente between the Government of South Africa and Portugal and the illegal racist minority régime of Southern Rhodesia, and called upon all States to withhold any support or assistance to that entente, whose existence and activities ran counter to the interests of international peace and security.

452. Subsequently, the Assembly, in resolutions 2326 (XXII), 2465(XXIII) and 2548(XXIV), reiterated the relevant provisions of resolution 2189(XXI).

(ii) Territories under Portuguese administration

453. In paragraph 8 of resolution 2184(XXI) of 12 December 1966, the General Assembly reaffirmed its previous position and requested all States, and in particular the military allies of Portugal within the framework of the North Atlantic Treaty Organization: (1) to desist forthwith from giving the Portuguese Government any assistance which enabled it to continue its repression of the African peoples in the territory under its domination; (2) to take all necessary measures to prevent the sale or supply of arms and military equipment to that Government; and (3) to stop the sale or shipment to that Government of equipment and materials for the manufacture or maintenance of arms and ammunition.

454. Subsequently, the Assembly, in resolutions 2270 (XXII) of 17 November 1967, 2395(XXIII) of 29 November 1968 and 2507(XXIV) of 21 November 1969, reiterated the relevant provision of its resolution 2184(XXI) of 12 December 1966.

\[\text{442}^{\text{Ibid.}}, \text{Annex IV.}\]
\[\text{443}^{\text{Ibid.}}, \text{Annex a.i., 66, A/6908, paras. 12 and 13.}\]
\[\text{444}^{\text{Ibid.}}, \text{p. 18.}\]
\[\text{445}^{\text{Reports. Supplement No. 3, vol. II, under Article 73, paras. 689-697.}}\]
3. ASSISTANCE TO COLONIAL PEOPLES AND NATIONAL LIBERATION MOVEMENTS BY THE SPECIALIZED AGENCIES AND INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS AND THE IMPLEMENTATION OF THE DECLARATION

a. General

455. Already by resolution 2105(XX) the General Assembly had recognized the legitimacy of the struggle by peoples under colonial rule to exercise their right to self-determination and independence, and had invited all States to provide material and moral assistance to the national liberation movements in colonial Territories. This decision was reaffirmed by resolutions 2189(XXII), 2326(XXII), 2465(XXIII) and 2548(XXIV).

456. The question of such assistance by specialized agencies and other international institutions was first raised at the twenty-second session of the General Assembly as a result of a request by Bulgaria to include an item in the Assembly's agenda, entitled: "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the Specialized Agencies and International Institutions associated with the United Nations.

457. In its explanatory memorandum, Bulgaria, inter alia, stated that in spite of numerous appeals and recommendations, only a few of the specialized agencies and international institutions had actively participated in assisting the process of decolonization. Some guidelines were undoubtedly needed in order to enable them to play a full part in implementing the respective resolutions of the General Assembly. It further pointed out that the national liberation movements in some colonial Territories of Africa had submitted to the specialized agencies concrete demands for assistance in the field of humanitarian activities but that so far these demands had failed to produce satisfactory results. In the circumstances, the General Assembly should thoroughly consider the question and make appropriate recommendations to such agencies and institutions for full implementation of the Declaration. The General Assembly accordingly decided to include the item in its agenda for the twenty-second session.

458. During the consideration of the question in the Fourth Committee, the representative of Bulgaria stated that the General Assembly had stressed that each Member State and each international organization, having undertaken to respect the Charter, had an obligation to help, individually and collectively, by all means at its disposal, to bring about the self-determination and independence of peoples. He, therefore, suggested that the General Assembly should: (1) pursuant to Articles 57 and 63 of the Charter, recommend to the specialized agencies and international institutions associated with the United Nations to lend their full cooperation in the realization of the objectives of the Declaration on decolonization and, to that end, appeal to all the agencies and institutions concerned to take adequate steps, as a matter of urgency, to assist the peoples struggling for liberation from the colonial yoke; (2) appeal to the Governments of all States members of the specialized agencies to encourage them in the implementation of the pertinent resolutions of the General Assembly; (3) request the Economic and Social Council to provide for adequate measures to support the specialized agencies in carrying out their task in that field; and (4) request the Secretary-General to give the specialized agencies his assistance and to submit a report on the implementation of the resolution to the General Assembly at its twenty-third session.

459. While the Bulgarian proposals were generally supported by several members of the Fourth Committee, one representative stated that the specialized agencies and international institutions were neither subordinate to, nor subsidiary organs of, the United Nations but inter-governmental agencies acting under their own statutes and pursuing specific objectives, which were limited to technical co-operation between their respective members. Each specialized agency was charged with specific responsibilities in accordance with the principle of the division of labour and not to serve the political purposes of the United Nations. The relationship of the specialized agencies to the United Nations was defined in bilateral agreements, a fact which showed that they were autonomous in their fields of action, in which they were subject only to their respective statutes. All that was clear from Articles 57 and 63 of the Charter. Consequently, any United Nations recommendation to the specialized agencies must respect their freedom of decision and action under their own statutes. Furthermore, the United Nations should refrain from making recommendations of a political nature which could hamper the technical activities of the agencies and institutions. At the invitation of the Fourth Committee, the representatives of UNESCO, WHO, ILO and FAO made statements in which they, inter alia, stated that their organizations had taken appropriate action in order to implement the Declaration and other relevant resolutions of the General Assembly. The representative of the Bank, however, referred to the consultations which had taken place between the Secretary-General of the United Nations and the President of the Bank, together with the Legal Counsel of the United Nations and the General Counsel of the Bank pursuant to General Assembly resolutions 2184(XXI) and 2202(XXI), as well as to the letter dated 18 August 1967 from the President of the Bank to the Secretary-General in which he had expressed the earnest desire of the Bank to co-operate with the United Nations to the extent consistent with its Articles of Agreement.

460. During the consideration of a draft resolution on the question, several representatives expressed their reservation with regard to paragraph 3, by which the General Assembly would recommend to the specialized agencies and international institutions concerned to take urgent and effective measures to assist the peoples struggling for their liberation from colonial rule and, in particular, to extend, within the scope of their respective activities, all necessary aid to the oppressed peoples of Southern Rhodesia and of the Territories under Portuguese administration and to work out, in cooperation with the Organization of African Unity and, through it, with the national liberation movements, concrete programmes to that end.
461. The representative of South Africa in particular stated that the draft resolution virtually directed the General Assembly to compel the specialized agencies to take political considerations, rather than technical criteria, into account in deciding on requests for technical assistance. That would undermine the whole technical structure of the operations. The specialized agencies and in particular, the Bank, were being invited, in some instances, to act in violation of their constitutions or statutes. His delegation would refuse to be a party to such a procedure and would oppose the draft resolution.

462. The representative of Argentina requested a separate vote on paragraph 3 of the draft resolution. Accordingly, the Fourth Committee, by a roll-call vote of 68 to 7, with 23 abstentions, approved paragraph 3 of the draft resolution. Thereupon, the draft resolution as a whole was adopted by a roll-call vote of 83 to 2, with 17 abstentions.

463. In explanation of the vote, the representative of the United States, inter alia, stated that his delegation had abstained in the vote on the draft resolution, although sharing some of the general objectives of the sponsors, as it had serious reservations regarding several features of the text; in particular, it strongly opposed paragraph 3, considering that it contained provisions which were inconsistent, not only with many of the agreements between the United Nations and the specialized agencies, but with the basic instruments governing the activities of several agencies. The representatives of Mexico and Venezuela also explained their abstentions in the separate vote on paragraph 3 in similar terms.

Decision

464. The General Assembly, by a vote of 81 to 2, with 18 abstentions, adopted the draft resolution submitted by the Fourth Committee, as its resolution 2311(XXII) of 14 December 1967.

b. Southern Rhodesia

465. The General Assembly, in paragraph 10 of its resolution 2508(XXIV) of 21 November 1969, called upon all States, specialized agencies and other international organizations concerned, to extend all moral and material assistance to the national liberation movements in Zimbabwe, in co-operation with the Organization of African Unity.

4. ASSISTANCE TO REFUGEES FROM COLONIAL TERRITORIES

a. General

466. Following its previous practice, the General Assembly, during the period under review, continued to take decisions requesting the United Nations High Commissioner for Refugees and other international relief organizations and the specialized agencies concerned, to provide economic, social and humanitarian assistance to the refugees from Territories under colonial administration. Thus, the Assembly, in paragraph 8 of resolution 2189(XXII) of 13 December 1966 on the question of the implementation of the Declaration, requested the High Commissioner for Refugees and other international relief organizations and the specialized agencies concerned to increase their economic, social and humanitarian assistance to the refugees from colonial Territories. In paragraph 7 of resolution 2326 (XXII) of 16 December 1967, the Assembly expressed its appreciation to the United Nations High Commissioner for Refugees, the specialized agencies concerned and other international relief organizations for the help they had so far given and requested them to increase their economic, social and humanitarian assistance to the refugees from Territories under colonial administration.

467. Similarly, in resolutions 2311(XXII) of 14 December 1967, 2426(XXIII) of 18 December 1968 and 2555(XXIV) of 12 December 1969 on the question of the implementation of the Declaration by the specialized agencies and the international institutions associated with the United Nations, the General Assembly, inter alia, expressed its appreciation to the Office of the High Commissioner for Refugees and to the specialized agencies which had co-operated with the United Nations in seeking to implement the relevant resolutions of the General Assembly. In paragraph 3 of resolution 2555 (XXIV), the Assembly also recommended that the specialized agencies and international institutions concerned, as well as the various programmes within the United Nations system, should take measures, individually and in collaboration with one another, to increase the scope of their assistance to refugees from the colonial Territories, including assistance to the Governments concerned in the preparation and execution of projects beneficial to those refugees.

b. Territories under Portuguese administration

468. The General Assembly, in resolutions 2184(XXII) of 12 December 1966 and 2270(XXII) of 17 November 1967, expressed its appreciation to the United Nations High Commissioner for Refugees, the specialized agencies concerned and other international relief organizations for the aid they had extended so far, and requested them, in cooperation with the Organization of African Unity and through it, with the national liberation movements, to increase their assistance to the refugees from the Territories under Portuguese administration and to those people who had suffered and who were still suffering as a result of military operations. In resolution 2395 (XXIII) of 29 November 1968, the Assembly reiterated the relevant provisions of resolutions 2184(XXII) and 2270(XXII).

c. Southern Rhodesia

469. The General Assembly, in paragraph 11 of resolution 2151(XXI) of 17 November 1966, requested the specialized agencies concerned and other international assistance organizations to aid and assist the refugees from Zimbabwe and those who were suffering from oppression by the illegal racist régime in Southern Rhodesia. In paragraph 18 of resolution 2262(XXII) of 3 November 1967, the Assembly appealed to the specialized agencies concerned and to other international assistance organizations to aid and assist the refugees from Zimbabwe and those who were suffering from oppression by the illegal racist minority régime in Southern Rhodesia, in consultation with the Organiza-
tion of African Unity, and through it, with the national liberation movements in the colonial Territory of Southern Rhodesia.

E. Article 73e

1. Transmission of information under Article 73e

470. Under the terms of Article 73e, Member States that administer Non-Self-Governing Territories have accepted as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of those Territories and to that end, to transmit regularly to the Secretary-General, for information purposes, subject to such limitations as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social and educational conditions in the Territories for which they are responsible.

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

471. Following the practice adopted in 1946, the Secretary-General, during the period under review, continued to address letters to new Member States, inviting them to inform him whether there were any Territories under their administration whose people had not yet attained a full measure of self-government. However, no reply was received from any new Member that it had Non-Self-Governing Territories, falling within the scope of Chapter XI of the Charter, under its administration. No additional territories were added to the list of Territories on which information was or was to be transmitted to the Secretary-General under Article 73e.

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

472. During the period under review, the Secretary-General continued to report to the General Assembly that he had received information under Article 73e from Australia, France, New Zealand, Spain, the United Kingdom and the United States. The Special Committee, which examined the Secretary-General's reports pursuant to General Assembly resolution 1970(XVIII), observed that some of the administering Powers had transmitted insufficient information or had not transmitted information within the prescribed period.

473. The Secretary-General also reported that no information under Article 73e had been received by him concerning Territories under Portuguese administration which, by resolution 1542(XV), the General Assembly considered were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter. Nor had he received information under Article 73e concerning Southern Rhodesia which, the General Assembly had affirmed by resolution 1747(XVI), was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter.

Decision

474. The General Assembly, by resolutions 2233(XXI), 2351(XXII), 2422(XXIII) and 2558(XXIV), expressed its profound regret that, despite the repeated recommendations of the General Assembly, some Member States having responsibilities for the administration of Non-Self-Governing Territories had not seen fit to transmit information under Article 73e of the Charter, or had transmitted insufficient information, or had transmitted information too late; condemned the Government of Portugal for its continued refusal to transmit information under Article 73e of the Charter with regard to the colonial Territories under its domination, despite the numerous resolutions adopted by the General Assembly concerning those Territories; strongly regretted the persistent refusal of the Government of the United Kingdom to transmit such information on Southern Rhodesia; urged the administering Powers concerned to transmit, or continue to transmit, to the Secretary-General the information prescribed in Article 73e of the Charter; and reiterated its request that the administering Powers concerned transmit such information as early as possible and at the latest within a maximum period of six months following the expiration of the administrative year in the Non-Self-Governing Territories concerned.

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

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

476. During the period under review, the Secretary-General reported to the General Assembly that, in the case of Territories under the administration of Australia, France, New Zealand, Spain and the United States, the annual reports also included information on constitutional matters. Additional information on political and constitutional developments in Territories under their administration had also been given by the representatives of Australia, New Zealand, Spain, the United Kingdom and the United States during the meetings of the Special Committee, which examined the information transmitted under Article 73e of the Charter in accordance with the General Assembly resolutions 1654(XVI), 1810(XVII) and 1970(XVIII).

Decision

477. The General Assembly, by resolutions 2233(XXI), 2351(XXII), 2422(XXIII) and 2558(XXIV), urged the administering Powers concerned to transmit, or continue to transmit, to the Secretary-General the information prescribed in Article 73e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned.

d. The question of transmission of information concerning military activities and arrangements

478. As has been reported, the General Assembly was concerned with the question of military activities and arrangements in Non-Self-Governing Territories

\footnotesize{\textsuperscript{449}Repertory, Supplement No. 3, vol. III, under Article 73, paras. 287-289.} 
\footnotesize{\textsuperscript{450}A/AC.109/203 and Add.1; 269 and Add.1; 297; and 343 and Add.1 and 2.} 
\footnotesize{\textsuperscript{451}Repertory, Supplement No. 3, vol. III, under Article 73, paras. 642-654.}
which might be impeding the implementation of the Declaration.

479. The issue concerning the transmission of information on military arrangements arose in connexion with the preparation by the Secretariat of working papers on military activities of colonial Powers in Territories under their administration. In April 1967, the Under-Secretary-General for Trusteeship and Non-Self-Governing Territories, at the request of a sub-committee of the Special Committee, addressed letters \(^{452}\) to the Permanent Missions of Australia, France, New Zealand, Portugal, Spain, the United Kingdom and the United States, requesting those Members to provide information on military activities and arrangements in the Territories under their administration.

480. During July and August 1967, the Secretariat received communications \(^{453}\) from Australia, New Zealand, the United Kingdom and the United States.

481. The Australian Government reaffirmed its acceptance of its obligations under Article 73e of the Charter. It doubted, however, whether the request for information on military activities and arrangements came within the functions and duties of the Special Committee or its sub-committees. It noted that Article 73e of the Charter made no reference to military information and stated that the information to be submitted by Members was subject to such limitation as security and constitutional considerations might require. In these circumstances, the Government regretted that it was unable to accede to the request for such information. It wished to reiterate that the defense arrangements which had been made in the Territories for which it was responsible were entirely consistent with its obligations and rights under the Charter, including its obligations to the inhabitants of Territories for which it was responsible and its obligations to assist the cause of international peace and security.

482. The Government of New Zealand stated that it knew of no military activities or arrangements in Non-Self-Governing Territories for which it had responsibilities that were relevant to the implementation of General Assembly resolution 1514(XV).

483. The Government of the United Kingdom stated that it had consistently fulfilled its obligations under the Charter to transmit to the Secretary-General information relating to economic, social and educational conditions in the Territories for which it was responsible as relevant to the work of the Special Committee, or of the sub-committee which had initiated the request for such information. In the circumstances, the United Kingdom Government affirmed that such defense activities and arrangements for which it was responsible were fully consistent with the United Kingdom's rights and obligations under the Charter and also with the interests of the people of the Territories concerned.

484. The United States Government stated that it had co-operated fully in providing the Secretary-General with the information on economic, social and educational conditions called for in Article 73e of the Charter. Bearing in mind the specific recognition in Article 73e that security considerations might legitimately limit transmittal of information even on economic, social and educational conditions, and the fact that there was no obligation to provide other information, the Government regretted that it was unable to comply with the request for information on military activities and arrangements in the Territories under its administration. In any event, the Government questioned the view that data on military activities was required for the performance of the duties of the Special Committee and rejected any implication that such military activities as existed in the United States Territories were inconsistent with progress toward the achievement of self-determination to which the United States Government was fully committed. In carrying out its obligations to promote to the utmost the political advancement and well-being of the inhabitants of those Territories, the United States took full account, as provided for by the wording of Article 73 of the Charter, of the system of international peace and security which the Charter established.

485. No replies were received from France, Portugal and Spain. The sub-committee of the Special Committee strongly criticized \(^{454}\) the attitude of non-cooperation taken by the administering Powers concerned. Owing to the refusal of the administering Powers to co-operate and in view of the lack of time and information available, the sub-committee decided to continue its consideration of the item at its next session. The Special Committee endorsed \(^{455}\) this decision and transmitted the sub-committee's report to the General Assembly for its consideration.

Decision

486. At its twenty-second session, the General Assembly, by paragraph 4 of resolution 2326(XXII), approved the programme of work envisaged by the Special Committee during 1968, including the study of military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration.

487. The General Assembly did not, however, create an additional obligation on the part of the administering Powers to transmit information on military activities and arrangements in Territories under their administration. Nor did the Assembly recommend to the administering Powers to transmit such information on political and constitutional developments.

488. It may however be noted that, during the twenty-third session of the General Assembly, the Spanish Mission to the United Nations made available \(^{456}\) to the sub-committee certain information on military activities and arrangements in Gibraltar under the United Kingdom administration. Similarly, the United Kingdom Mission made available \(^{457}\) to the sub-committee such information on Territories in Africa under Spanish administration.

2. Examination of information transmitted under Article 73e

a. The Special Committee and its composition

489. As has been reported, \(^{458}\) the General Assembly, by resolution 1654(XVI), established a Special Committee...
493. As has been reported,459 the General Assembly, with the exception of the withdrawal of Australia on 7 February 1969.459

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

490. During the period under review, the Special Committee, in pursuance of General Assembly resolutions 2189(XXI), 2326(XXII), 2465(XXIII) and 2548 (XXIV), on the implementation of the Declaration, as well as of General Assembly resolutions 2223(XXI), 2351(XXII), 2422(XXIII), and 2558(XXIV) concerning information from Non-Self-Governing Territories transmitted under Article 73e, continued to examine the information transmitted to the Secretary-General under Article 73e, as well as the information on political and constitutional developments furnished by the administering Powers concerned.

c. The nature of information used by the Special Committee

491. As has been reported,460 the Special Committee continued the practice of using the information transmitted to the Secretary-General under Article 73e, as well as the information on political and constitutional developments voluntarily furnished to the Secretary-General by the administering Powers concerned and any other information made available to it by the Secretariat from various sources in examining the situation with regard to the implementation of the Declaration in Territories under Portuguese administration as well as in other Non-Self-Governing Territories.

d. Collaboration with the United Nations Councils and the specialized agencies

(i) Relations with the Trusteeship Council

492. During the period under review, the President of the Trusteeship Council, pursuant to General Assembly resolution 1654(XVI), continued461 to address letters to the Chairman of the Special Committee, informing him that the Council had examined conditions in the Trust Territories of Nauru, New Guinea and the Pacific Islands and that the conclusions and recommendations of the Council, as well as the observations of the Council members representing their individual views only, were contained in reports to the Security Council relating to the Trust Territory of the Pacific Islands and in reports to the General Assembly with regard to the Trust Territories of Nauru and New Guinea.

(ii) Relations with the Economic and Social Council

493. As has been reported,462 the General Assembly, by resolutions 2311(XXII), 2426(XXIII) and 2555 (XXIV) on the implementation of the Declaration by the specialized agencies and international institutions associated with the United Nations, continued to request the Economic and Social Council to consider, in consultation with the Special Committee, appropriate measures for the co-ordination of the policies and activities of the specialized agencies in implementing the relevant resolutions of the General Assembly.

494. Accordingly, during the period under review, consultations continued463 to be held between the President of the Economic and Social Council and the Chairman of the Special Committee concerning the appropriate measures for the co-ordination of the policies and activities of the specialized agencies in implementing the relevant resolutions of the General Assembly.

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

495. During the period under review, collaboration between the specialized agencies and the Special Committee was maintained464 by the presence of representatives of ILO, FAO, UNESCO and WHO at the meetings of the Special Committee.

496. The Special Committee, during the period under review, adopted465 consensuses and resolutions on several Non-Self-Governing Territories, which contained appeals or requests addressed to international institutions, including the specialized agencies, concerning the implementation of the Declaration. The texts of these were transmitted by the Secretary-General to the specialized agencies and to the international institutions concerned. The substantive parts of the replies received by the Secretary-General from those organizations were made available to the Special Committee during its consideration of the Territories concerned.

497. During the period under review, the General Assembly, by resolutions 2311(XXI), 2426(XXIII) and 2555(XXIV), also requested the Secretary-General: (a) to continue to assist the specialized agencies and international institutions concerned in working out appropriate measures for implementing the resolutions and to report thereon to the General Assembly at its respective following sessions; and (b) to obtain and transmit to the Special Committee for its consideration information on the action taken by the specialized agencies and international institutions concerned. The substantive parts of the replies received by the Secretary-General from those organizations were transmitted to the Special Committee at its respective following sessions.

498. Accordingly, the Secretary-General transmitted466 the relevant General Assembly resolutions to the specialized agencies and international institutions associated with the United Nations and made available the substantive parts of the replies received from them to the Special Committee which in turn reported thereon to the General Assembly at its respective following sessions.

459G A (XXIV), Annexes, a.i. 23, A/7507.
460Reperatory, Supplement No. 3, vol. III, under Article 73, paras. 263.
465Ibid., chap. V.
466Ibid., annex I.
3. THE QUESTION OF SENDING VISITING MISSIONS TO COLONIAL TERRITORIES

   a. General

499. As has been reported, the General Assembly, at its twentieth session, by resolution 2069(XX) of 16 December 1965, requested the administering Powers concerned to allow United Nations visiting missions to visit a number of specific Territories, namely 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, Pago Pago, 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. At the same session, by resolution 2105(XX), the Assembly approved the programme of work envisaged by the Special Committee for 1966, including the possibility of sending visiting groups to Territories in the Atlantic, Indian and Pacific Ocean areas in particular.

500. In the discussions in the Fourth Committee at the twenty-first session of the Assembly, essentially the same arguments were put forward opposing the principle of including visiting missions in the Special Committee's work programme.

501. During the discussion in Sub-Committee II of the Special Committee, some administering Powers maintained that they had never accepted General Assembly resolution 1514(XV) and other related resolutions; that it was the right of the administering Power and not of the Special Committee to decide whether a United Nations mission should visit a Territory. Others considered that United Nations visiting missions to their Territories were not warranted at that time. New Zealand, for instance, considered that any visit by a United Nations mission to Niue and Tokelau should be undertaken only as part of a more comprehensive tour of the area. The representative of Australia expressed doubt as to whether it was necessary for the Special Committee's missions to visit Territories under Australian administration, which had been the subject of intense scrutiny by the United Nations, especially by the Trusteeship Council. An Administering Authority not only had responsibilities in the Territories under its administration but it also had rights; among those was the right to accept or not to accept a visiting mission. He, however, indicated that, while his Government could not at that stage give any commitment that it would be able to respond to a request to receive a visiting mission, his delegation would be prepared to transmit to his Government any specific views that might be put forward by the Special Committee at any particular time.

502. The Foreign Minister of Portugal informed the Special Committee that his Government had formally reserved its position in regard to General Assembly resolution 1514(XV) and all other resolutions adopted thereunder, including resolution 1654(XVI) by which the General Assembly had established the Special Committee, which the Government of Portugal had never recognized as a body constituted on a legally valid basis; consistent with that position, his Government would be unable to co-operate with the Special Committee with respect to the sending of visiting missions to the Territories under Portuguese administration.

503. In support of the sending of visiting missions, it was pointed out that the General Assembly, by resolutions 2069(XX) and 2105(XX), had specifically instructed the Special Committee to consider the question of establishing dates for the independence of colonial Territories in accordance with the wishes of their peoples. It was, therefore, essential for the United Nations to send visiting missions to colonial Territories in order to ascertain the views of the people concerning their future development and the status desired for their Territory. It was also emphasized that visiting missions would be useful to the population of those Territories as well as to the administering Powers, since direct contact would give the Special Committee a better understanding of the situation in the Territories as it was described by the administering Powers in their statements in the United Nations. Furthermore, the persistent refusal of the administering Powers to allow United Nations missions to visit Non-Self-Governing Territories was inconsistent with the sacred trust which they had accepted under Article 73 of the Charter.

504. These views in support of the inclusion of United Nations visiting missions in the programme of work of the Special Committee continued to prevail.

Decision

505. The General Assembly, by resolutions 2189(XXI) and 2326(XXII) on the implementation of the Declaration, approved the programme of work envisaged by the Special Committee during 1967 and 1968, including the sending of visiting missions, and requested the administering Powers to allow visiting missions to be sent to the Territories under their administration. Furthermore, the Assembly, by resolutions 2465(XXIII) and 2548(XXIV), urged the administering Powers to co-operate fully with the Special Committee by permitting the access to visiting missions to the colonial Territories in order to secure first hand information concerning them and to ascertain the wishes and aspirations of their inhabitants.

506. Decisions of the General Assembly concerning visiting missions in specific cases are discussed below.

b. Fiji

507. When the Special Committee was considering the question of Fiji during the twenty-first session of the General Assembly, although the representatives of the United Kingdom, as the administering Power, did not favour such a visit, the Special Committee, by a vote of 20 to 3, with 1 abstention, adopted a resolution, by which it, inter alia, decided to appoint a sub-committee to visit Fiji for the purpose of studying at first hand the situation in the Territory to ascertain the wishes and aspirations of the people about their future status and to...
report to the Special Committee as soon as possible; requested the Chairman to proceed with the appointment of the sub-committee; and requested the Secretary-General to provide all facilities for the visit of the sub-committee to the Territory of Fiji.

508. During the consideration of the question of Fiji in the Fourth Committee, several representatives emphasized the importance of a visiting mission to Fiji. One representative in particular in the Special Committee in 1967, several representatives regretted the negative attitude of the administering Power and requested the Secretary-General to provide all facilities for the visit to Fiji. Several representatives pointed out that the United Kingdom apparently did not have any objection in principle to visiting missions, as it had agreed to a visiting mission to another Territory. In the case of Fiji, it had simply stated that the Special Committee had all the information needed and that a visiting mission would not produce anything new.

515. Consequently, the Special Committee, by a vote of 17 to 3, with 3 abstentions, adopted a resolution by which the Committee deeply regretted the negative attitude of the administering Power in refusing to agree to the visit by the Sub-Committee on Fiji to the Territory in accordance with paragraph 3 of General Assembly resolution 2185(XXI) and urgently appealed to the administering Power to co-operate with the Special Committee and to reconsider its decision concerning the visit of the Sub-Committee on Fiji. The Fourth Committee accepted this view and recommended it for adoption by the General Assembly.

Decision

511. The General Assembly, by a vote of 78 to 6, with 17 abstentions, adopted the draft resolution on the question of Fiji, including a provision for a visiting mission to the Territory.

512. In response, the representative of the administering Power, by a letter of 28 August 1967, informed the Special Committee that the United Kingdom Government did not regard a visit to Fiji by a sub-committee of the Special Committee as necessary and was unable to agree to a visit by the sub-committee as the proposed. The Committee, however, considered that a sub-committee should nevertheless be appointed in the hope that it would be able to assist the Special Committee in its consideration of the question.

513. Accordingly, the Chairman of the Special Committee appointed a Sub-Committee on Fiji consisting of Bulgaria, Chile, Finland, India and the United Republic of Tanzania.

514. During the consideration of the question of Fiji in the Special Committee in 1967, several representatives regretted the negative attitude of the administering Power with regard to the visit to the Territory by the Sub-Committee on Fiji. One representative in particular expressed the view that the negative attitude of the administering Power had only increased the doubts already voiced by most delegations concerning its readiness to facilitate the rapid attainment of independence by the people of Fiji. Another representative pointed out that the United Kingdom apparently did not have any objection in principle to visiting missions, as it had agreed to a visiting mission to another Territory. In the case of Fiji, it had simply stated that the Special Committee had all the information needed and that a visiting mission would not produce anything new.

515. Consequently, the Special Committee, by a vote of 17 to 3, with 3 abstentions, adopted a resolution by which the Committee deeply regretted the negative attitude of the administering Power in refusing to agree to the visit by the Sub-Committee on Fiji to the Territory in accordance with paragraph 3 of General Assembly resolution 2185(XXI) and urgently appealed to the administering Power to co-operate with the Special Committee and to reconsider its decision concerning the visit of the Sub-Committee on Fiji. The Fourth Committee accepted this view and recommended it for adoption by the General Assembly.

Decision

516. The General Assembly, by resolution 2350(XXII), reaffirmed the necessity for sending a visiting mission to Fiji for the purpose of studying at first hand the situation in the Territory; regretted the refusal of the administering Power to receive a visiting mission and urgently appealed to it to reconsider its decision.

517. Pursuant to the General Assembly resolution, the Chairman of the Sub-Committee on Fiji requested the administering Power to furnish as soon as possible information concerning the steps taken and/or envisaged by it in implementation of General Assembly resolution 2350(XXII), with a view to enabling the Sub-Committee to visit the Territory. In response, the representative of the administering Power stated that the United Kingdom Government regretted that it saw no grounds for varying the position set out in its letter of 28 August 1967 addressed to the Chairman of the Special Committee.

518. In its report to the Special Committee, the Sub-Committee on Fiji deeply regretted that, owing to the continued refusal of the administering Power to receive the visiting mission in Fiji, it had not been possible to discharge the tasks entrusted to it in the resolutions of the General Assembly and of the Special Committee.

519. Consequently, at its twenty-third and twenty-fourth sessions, the General Assembly, on the recommendation of the Fourth Committee, each time postponed the question of Fiji to the following session.

c. Papua

520. During the twenty-first session of the General Assembly, the Special Committee considered the
question of small Territories, including Papua, which had been a part of the administrative union with the Trust Territory of New Guinea under Australian administration. The Special Committee noted that the progress towards implementation of the Declaration in those small Territories had been slow. Therefore, the Committee recommended to the General Assembly that visiting missions to those Territories would be necessary and most useful in assessing the political climate and aspirations of the peoples. Steps might be taken to arrange such visits in consultation with the administering Powers.

521. During the consideration of the question of Papua and other small Territories in 1969, the Special Committee reiterated its view that a United Nations visiting mission to Papua and the Trust Territory of New Guinea would enable it to ascertain the views of the people and to obtain invaluable first hand experience of conditions in those Territories, which would assist the Committee in finding the speediest and most suitable ways of implementing the Declaration in the Territories. The Special Committee therefore urged the administering Power to reconsider its position concerning a visiting mission and to allow a sub-committee to visit Papua.

522. However, in view of the negative attitude of the administering Power towards visiting missions from the Special Committee, no such mission visited Papua during the period under review.

523. It may, however, be noted that the Trusteeship Council did send a United Nations visiting mission to the Trust Territory of New Guinea in 1968. Furthermore, the General Assembly, by resolution 2590(XXXIV), requested the Trusteeship Council to include in its periodic visiting missions to the Trust Territory of New Guinea non-members of the Trusteeship Council, in consultation with the Special Committee and the administering Authority, in accordance with the Charter, and called upon the administering Authority to co-operate fully with the visiting mission and to provide it with all necessary facilities and assistance in the performance of its tasks.

d. Small Territories

524. During the period under review, the Special Committee continued to place great value on visiting missions to Territories as a means of collecting first-hand information on conditions in the Territories and the wishes of the people, thus assisting it in the implementation of the Declaration. The Committee continued to pursue its recommendations with the utmost vigour and to ask the co-operation of the administering Powers to enable such visits to take place. It therefore urged the General Assembly to appeal to the administering Powers to cooperate with the Committee by facilitating visits to Territories under their administration.

525. The General Assembly, by resolutions 2232(XXI), 2357(XXII), 2430(XXIII) and 2592(XXIV), deplored the attitude of those administering Powers which continued to refuse to allow United Nations visiting missions to visit the Territories under their administration and strongly urged the administering Powers to reconsider their attitude towards receiving such visiting missions and to permit access by such visiting missions to Territories under their administration.

526. During the period under review, the Special Committee was unable to send any visiting missions to any of the Small Territories due to the refusal of the administering Powers to receive such missions in the Territories under their administration.

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

a. Circulation of communications and hearing of petitioners

527. As has been reported, the issue of circulating petitions and hearing of petitioners has continued to arise in relation to specific Territories.

528. During the period under review this issue was raised in respect of Antigua, St. Kitts-Nevis-Anguilla, Grenada, Oman, the Territories under Portuguese administration and Southern Rhodesia. In all cases except the last, the issue was the circulation of petitions and the hearing of petitioners. In the case of Southern Rhodesia, the issue centered on the rejection of a petition by the Fourth Committee.

(i) Antigua, Grenada and the Territory of St. Kitts-Nevis-Anguilla

529. At the twenty-second session of the Assembly, the competence of the Fourth Committee to consider requests for a hearing concerning Antigua and concerning Anguilla as part of the Territory of St. Kitts-Nevis-Anguilla was raised by the representative of the United Kingdom. In the United Kingdom's view both Antigua and Anguilla had attained full self-government as Associated States with the United Kingdom and were hence no longer within the scope of Chapter XI of the Charter. In respect of Anguilla he stated that if the Committee decided nevertheless to hear the petitioners, that could not be considered to be any form of endorsement of any purported separate status for Anguilla.

530. In both cases, the United Kingdom representative stated that although his delegation would not raise any formal objection to the granting of the request for a hearing, he wished his reservations to be recorded in the Committee's proceedings.

531. The Fourth Committee decided, without objection, to grant the request for a hearing concerning both Anguilla and Antigua.

532. This issue continued to be raised in the Special Committee in 1968 and 1969 and in the Fourth Committee at the twenty-third and twenty-fourth sessions of the General Assembly, with similar results.

533. In 1969, the question of circulating petitions concerning Grenada was raised in the Special Committee in connexion with the report of the Sub-Committee on Petitions. Opposing the circulation, the representative of the United Kingdom stated that Grenada, as an Asso-

497G A (XXIII), 4th Comm., 1738th mtg., para. 2.
498Aged, para. 3 and 1730th mtg., paras. 5 and 9.
The application of the principles of the United Nations pointed out that although the United Kingdom did not recognize the Sultanate of Muscat and Oman as a sovereign, independent State. The hearing of such persons might be considered as a violation of the United Nations Charter. Accordingly, there was no doubt that the Territory of Oman did not enjoy all the attributes of a sovereign independent State.

534. The Special Committee, by a vote of 13 to 2, adopted paragraph 6 of the report.

535. At the same session, the representative of the United Kingdom again objected to the Special Committee granting a request for a hearing concerning the Territory on similar grounds. The Special Committee, therefore, by a vote of 14 to 2, with 1 abstention, adopted paragraph 3 of the report of the Sub-Committee on Petitions concerning the circulation of petitions relating to the Territory.

536. Following the vote, the representatives of Norway and Italy expressed their reservations in support of the United Kingdom position.

(ii) Oman

537. The competence of the Fourth Committee to consider a request for a hearing concerning Oman was raised at the twenty-first session of the General Assembly by the representative of the United Kingdom as the administering Power. He recalled that his delegation had pointed out in the General Committee that the Sultanate of Muscat and Oman was a sovereign, independent State and had expressed reservations about the inclusion of the item in the General Assembly agenda. He therefore formally objected to the granting of a hearing to the petitioners from, or concerned with, Oman. The Committee for the Rights of Oman, which was requesting a hearing, supported a small group of people living outside their country who were in rebellion against the Government of Oman, which established unwelcome precedents for sovereign States represented at the United Nations.

538. In support of the granting of the request, it was pointed out that although the United Kingdom did not accept the General Assembly resolutions on Oman or the application of the principles of the United Nations to that Territory, resolution 2073 (XX) on the question of Oman, which had been adopted by a vast majority, recognized the inalienable rights of the people of the Territory as a whole to self-determination and independence in accordance with their freely expressed wishes. Paragraph 4 of that resolution also stated that the colonial presence of the United Kingdom in its various forms prevented the people of the Territory from exercising their rights to self-determination and independence. Accordingly, there was no doubt that the Territory of Oman, the Trucial States and Muscat were United Kingdom colonies. Moreover, the fact that the United Kingdom representative had spoken for Oman in the Fourth Committee further proved that the Territory did not enjoy all the attributes of a sovereign independent State.

539. The Fourth Committee decided, without objection, to grant the request for a hearing concerning the Territory of Oman.

540. While the representative of the United Kingdom raised no objection to the granting of a request for a hearing on Oman at the twenty-second session of the General Assembly, he reiterated his Government's reservations at the twenty-third and twenty-fourth sessions.

541. As General Assembly resolution 2073 (XX) had established that Oman was a Non-Self-Governing Territory, the Fourth Committee decided, without objection, to grant the request for a hearing concerning the Territory of Oman.

(iii) Territories under Portuguese administration

542. During the consideration of requests for hearings in the Fourth Committee at the twenty-first session of the General Assembly concerning Territories under Portuguese administration, the representative of Portugal reiterated his delegation's position that the only petitioners admissible under the Charter were those from trust Territories, and accordingly it had strong reservations about the hearing of petitioners from other Territories. At the twenty-second, twenty-third and twenty-fourth sessions of the General Assembly, the representative of Portugal reiterated his objections to the granting of requests for hearings concerning Territories under Portuguese administration.

543. The Fourth Committee nevertheless decided at each session, without objection, to grant the requests for hearings concerning the Territories under Portuguese administration.

(iv) Southern Rhodesia

544. During the consideration in the Fourth Committee, at the twenty-first session of the General Assembly, of a request from the Chairman of the Friends of Rhodesia Committee of New York for a hearing concerning Southern Rhodesia, it was pointed out that that group was a racist organization whose purpose was to assist the illegal régime of Southern Rhodesia and that the 'friends' were friends only of the white minority. Some representatives, however, felt that, on principle, the request should nevertheless be granted.

545. The Fourth Committee, however, decided to adjourn the debate under rule 120 (c) of the rules of procedure.

546. At the twenty-second session of the General Assembly, the Fourth Committee considered a request from the President of the International Council for Rhodesia (formerly, the "Friends of Rhodesia in the United States of America").

547. On behalf of the Afro-Asian Group, it was argued that the request should be rejected because it was an insult to the United Nations and to the fraternal people of Zimbabwe. One representative, however, expressed the view that the request should nevertheless be granted as a matter of principle.

498G A (XXIII), 4th Comm., 1793rd mtg., paras. 57 and 58, and 1795th mtg., para. 49.
499G A (XXIV), 4th Comm., 1854th mtg., para. 1.
501G A (XXI), 4th Comm., 1607th mtg., para. 2.
502Ibid., para. 5.
503Ibid., para. 30.
504G A (XXII), 4th Comm., 1687th mtg., Mauritania, para. 4.
505Ibid., United States, paras. 5 and 6.
548. The Fourth Committee, by a vote of 66 to 1, with 25 abstentions, decided to reject the request for a hearing concerning Southern Rhodesia.  

549. At the twenty-third session of the General Assembly, the Fourth Committee rejected, without objection, a similar request from the President of the International Council for Rhodesia for a hearing concerning Southern Rhodesia.

b. The question of circulation of anonymous communications and petitions

550. In 1966, some members of the Sub-Committee on Petitions of the Special Committee raised  the question of the circulation, as documents of the Special Committee, of anonymous communications and petitions concerning Mauritius.

551. One view maintained that, on grounds of principle, the Sub-Committee should not recommend the circulation of anonymous communications. The Secretary of the Sub-Committee, however, pointed out that several communications from the same petitioner had been circulated anonymously by the Sub-Committee prior to 1965.

552. The Chairman of the Sub-Committee stated that the Special Committee had decided to follow the rules laid down in the rules of procedure of the General Assembly but those rules contained no specific provisions dealing with petitions. In the rules of procedure of the Trusteeship Council, however, rule 85(2) laid down that petitions concerning general problems to which the attention of the Trusteeship Council had already been called and on which the Council had taken decisions or had made recommendations, as well as anonymous communications, should be circulated by the Secretary-General in the manner provided for in rule 24.

553. According to another view, the Sub-Committee should be guided by the rules of procedure of the Trusteeship Council. It was also suggested that the Sub-Committee should take no cognizance of unsigned communications and that, in the case of signed communications whose author had requested that his name should be withheld, the Sub-Committee should not, as a rule, agree to circulate it without revealing the name of its author. In special circumstances, however, the Sub-Committee might decide, after considering the merits of the case, to grant the petitioner's request that his name be withheld.

554. The consensus in the Sub-Committee was that, in general, unsigned communications should not be circulated. Any communication which bore the signature of a person who requested that his name should be withheld would have to be considered on its merits and in the light of the petitioner's reply to a letter from the Secretary informing him of the Sub-Committee practice in regard to anonymous petitions. In the case of an unsigned cable, the Secretariat would try to obtain the sender's name so that it could be inserted before the cable was considered by the Sub-Committee.

555. During the consideration of the seventy-fourth report of the Sub-Committee on Petitions, the Special Committee discussed the question of the circulation of unsigned communications and petitions. One representative pointed out that unsigned petitions should be considered in the context not only of colonial problems but also of the vast field of human rights which had a very close connexion with the question of petitions and the right of petitioners.

556. The Special Committee therefore requested the Sub-Committee on Petitions to examine the question thoroughly and to submit a report with recommendations on the procedures to be followed in dealing with unsigned communications and petitions.

557. During the period under review, no formal procedures were adopted by the Special Committee with respect to the circulation of unsigned communications and petitions.

c. The question of circulation of communications and petitions involving non-administering Powers

558. In 1967, some members of the Sub-Committee on Petitions of the Special Committee raised the question of the circulation of communications and petitions involving Member States of the United Nations which were not the administering Powers of the Non-Self-Governing Territories concerned or of Territories which had not yet attained independence.

559. During the consideration of several petitions concerning Aden, a Non-Self-Governing Territory under the administration of the United Kingdom, one representative observed that eight of the ten petitions contained unfounded allegations against the United Arab Republic, a State Member of the United Nations, which had formerly been colonized and which, since gaining its independence, had not at the cost of heavy sacrifices, constantly supported the struggle of oppressed peoples for their liberation. The Sub-Committee could not circulate such petitions, the publications of which would constitute a dangerous precedent and would also be prejudicial to the Special Committee's work and to the attainment of the objectives of resolution 1514(XV).

560. In response, one representative expressed the view that there was no reason for not circulating the petitions to which objections had been raised. The allegations they contained had been made by men who were struggling for their independence and were entitled to express their misgivings concerning their own future and the desire for hegemony of the Power to which they alluded. Moreover, since the United National Party of Aden had been allowed to express its views to the Fourth Committee of the General Assembly, there was no reason why its petition, and the other similar petitions, should not be circulated officially.

561. The Secretary of the Sub-Committee informed the Members that, during the period from 1962 to 1966, there had been only two petitions containing accusations against Member States other than administering Powers, namely, a communication dated 13 May 1963 concerning Malta, and a communication dated 8 September 1966 concerning Aden. The Sub-Committee had decided not to circulate the former and to postpone a decision on the latter. He also recalled that, on 21 Feb-

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506 A/AC.109/SC.1/SR.73, pp. 4-7.
507 A/AC.109/SC.1/SR.76, p. 5.
508 Ibid., para. 26.
509 Ibid., p. 5.
510 A/AC.109/PV.410.
511 Ibid., p. 16.
512 Ibid., p. 5.
513 Ibid., India, p. 5.
514 Ibid., pp. 6 and 7.
uary 1967, the Sub-Committee had decided not to circulate two communications containing derogatory remarks about certain Member States.

562. In response, one administering Power stated that his delegation did not consider itself bound by the precedents involved. He drew the attention of the members of the Sub-Committee to the wording of the last preeambular paragraph of General Assembly resolution 1514(XV), which proclaimed "the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations". In view of that wording, he felt that the Special Committee should deal with all forms of colonialism. There were frequent references to western countries in petitions, but it should be borne in mind that western countries had no monopoly of colonialism; other countries were also implicated. Moreover, countries bordering on certain Territories obviously had an interest in developments there. Petitioners should therefore be allowed complete freedom to express whatever views they held. Consequently, his delegation could only recommend that the communications concerning Aden should be issued as official documents.

563. The Chairman of the Sub-Committee pointed out that members of the Special Committee were already provided with copies of communications before their consideration by the Sub-Committee. The latter's task was merely to decide which of the communications should be published as official documents and dealt with as petitions.

564. Following the discussion, the Sub-Committee, by a vote of 5 to 2, decided not to circulate the eight petitions concerning Aden involving a non-administering Power.

565. During the consideration of the report of the Sub-Committee on Petitions in the Special Committee, the administering Powers represented on the Special Committee, supported by a few other States, stated that the Sub-Committee had been arbitrarily discriminating against the administering Powers and urged that all petitions, critical of administering and non-administering Powers alike, should be circulated as official documents of the Committee. The majority members of the Committee, however, expressed the view that the Sub-Committee on Petitions had been appointed by the Special Committee with a mandate to screen all petitions and make appropriate recommendations to the Special Committee. Although no formal procedures had been established by the Special Committee to guide the Sub-Committee, the latter, in accordance with its mandate, had duly screened the petitions concerning Aden and recommended that eight petitions, critical of non-administering Power, should not be circulated as official documents of the Committee.

566. Following the discussion, the Special Committee, by a roll-call vote of 14 to 7, with 2 abstentions, approved the report of the Sub-Committee on Petitions.

567. The question of the circulation of petitions involving a non-administering Power was again raised during the consideration of the report of the Sub-Committee on Petitions in the Special Committee during the same session of the General Assembly. The representative of the United Kingdom questioned the decision of the Sub-Committee on Petitions not to circulate seven petitions concerning Gibraltar, containing language offensive to a Member State other than the administering Power of the Territory concerned, namely, Spain. He cited precedents where the petitions concerning Namibia, involving several non-administering Powers, namely, Belgium, France, Japan, United Kingdom, United States and the Federal Republic of Germany, had been circulated as official documents of the Committee. He therefore asserted that the decisions of the Sub-Committee not to circulate petitions concerning Gibraltar and involving Spain were not only contrary to principle, but also contrary to practice and precedents. Furthermore, he pointed out that the General Assembly had specifically recognized that, in relation to Gibraltar, Spain had a special status and therefore there was no logic in censoring communications which referred unfavourably to Spain while circulating those which were critical of the United Kingdom. There could be no possible excuse for discriminating between Member States by affording protection against criticism to some and not to others. It was a form of discrimination which must cast doubt on the willingness of the Special Committee to approach its work in a spirit of objectivity and to hear and consider impartially all points of view. The representatives of the United States and Australia also supported the position of the United Kingdom.

568. The majority members of the Special Committee, however, supported the decision of the Sub-Committee. One representative pointed out that the Sub-Committee had the power to analyse petitions but could not become a mere circulator of petitions containing offensive or insulting statements pertaining to States. In procedural law, there was a universally accepted rule that no petitions, documents or pleading could be circulated unless they were expressed in a style which was not offensive, slanderous or libellous as regards not only the parties directly concerned, but also third parties. Furthermore, the two Powers involved, namely, the United Kingdom and Spain, should work together to arrive at a solution which would make Spain's political configuration coincide with its geographical configuration and enable the peoples of Gibraltar to have their interests fully taken into account so that no damage would be done to them or to their interests. Guided by that aim, the decision of the Sub-Committee not to circulate documents which contained offensive language against Spain was a wise and plausible one because it wished the bilateral talks between the two Powers to make progress, to be constructive and to be successful. To disseminate offensive language in petitions or communications would not help those bilateral talks and instead of making progress, the talks would be paralysed or worse.

569. Following the discussions, the Special Committee, by a vote of 15 to 5, with 1 abstention, adopted the report of the Sub-Committee on Petitions.

570. During the consideration of petitions concerning Aden and Gibraltar, it was suggested that the Special Committee should adopt formal procedures to guide the Sub-Committee on Petitions in screening communica-
tions and petitions in the future. The Chairman, however, reminded the Members that, in 1967, at the first meeting of the Sub-Committee, the Chairman of the Special Committee had asked the Sub-Committee to examine and submit recommendations in that regard but the latter had not acted as requested.

571. During the period under review, the Special Committee did not adopt any formal procedures to guide the Sub-Committee on Petitions in screening communications and petitions.

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

a. Territories within the competence of the Special Committee

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

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

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

1. Trust Territories under the international trusteeship system;

2. Non-Self-Governing Territories, within the meaning of Chapter XI of the Charter, on which information had been transmitted under Article 73e;

3. Territories which had been declared by the General Assembly to be Non-Self-Governing Territories within the meaning of Chapter XI of the Charter and the Declaration, but on which no information had been transmitted under Article 73e (Territories under Portuguese administration, Southern Rhodesia and Oman);

4. Territory on which the administering Power arbitrarily ceased to transmit information under Article 73e and which was subsequently declared by the General Assembly to be a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter and the Declaration but on which no information had been transmitted under Article 73e (French Somaliland);

5. Territories on which the administering Power arbitrarily ceased to transmit information under Article 73e and which the General Assembly continued to consider to be Non-Self-Governing Territories within the meaning of Chapter XI of the Charter and the Declaration, but on which no information had been transmitted under Article 73e (Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent).

575. As has been reported, the General Assembly in a number of resolutions affirmed its competence to decide whether a given Territory had or had not attained a full measure of self-government and to determine whether or not an obligation existed to transmit information under Article 73e.

576. Furthermore, as has also been reported, the General Assembly, by resolution 1541(XV), adopted twelve principles which should guide Member States in determining whether or not an obligation existed to transmit information under Article 73e, and decided that those principles should be applied in the light of the facts and circumstances of each case to determine whether or not an obligation existed to transmit information under Article 73e. Under Principle VI, the Assembly stated that a Non-Self-Governing Territory could be said to have reached a full measure of self-government by (a) emergence of a sovereign independent State; (b) free association with an independent State; or (c) integration with an independent State.

577. During the period under review, consequent to the adoption of the Declaration, the emphasis of the United Nations goal shifted from "self-government", the declared objective under Chapter XI of the Charter, to "self-determination and independence", the ultimate objective as proclaimed in the Declaration in the spirit of Chapters XI and XII of the Charter.

578. During the period under review, the question of the competence of the General Assembly to determine whether or not certain Territories had attained self-determination and independence within the meaning of Chapter XI, read with the Declaration, and whether or not an obligation existed to transmit information under Article 73e arose in the cases of the Comoros Archipelago, Puerto Rico and six Caribbean Territories, namely Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent. However, since the question of the status of the Caribbean Territories involved the question of the right of the people to self-determination, the issue is covered in paragraphs 470-488 above.

(ii) Comoro Archipelago

579. In March 1959, the Government of France informed the Secretary-General that the Territory of
580. The question of the Comoro Archipelago, as a Non-Self-Governing Territory, was raised on 6 June 1966, during a meeting of the Special Committee in Addis Ababa when the Administrative Secretary-General of the Organization of African Unity drew the attention of the Committee to the omission of the Comoro Archipelago from the list of Territories to which the Declaration applied and requested that the Territory be added to that list. However, on the recommendation of its Working Group, the Special Committee decided that the question required further detailed study and that the Working Group should make such a study at an early date during the following year.

581. In its report to the General Assembly at its twenty-first session the Special Committee noted that it intended in 1967 to give further consideration to the question of the list of Territories to which the Declaration applied. Accordingly, the General Assembly, by paragraph 4 of resolution 2189(XXI), approved the action envisaged by the Special Committee for the year 1967 with respect to the list of Territories to which the Declaration applied.

582. In 1967, the Working Group of the Special Committee agreed, by consensus, to refer to the Special Committee the question of the inclusion of the Comoro Archipelago in the list of Territories to which the Declaration applied. The Special Committee, after a brief discussion, decided to postpone the consideration of the question sine die.

583. The following year, the Working Group of the Special Committee agreed to recommend that the Comoro Archipelago be included in the list of Territories to which the Declaration applied. The Permanent Representative of Botswana, as Chairman of the African group, also requested the Special Committee that the Comoro Archipelago be included in the list of Non-Self-Governing Territories.

584. During the discussion in the Special Committee, it was again suggested that, since the inclusion of the Comoro Archipelago in the list of Territories to which the Declaration applied required thorough study, the question should be postponed until the next session.

585. Opposing this suggestion, it was recalled that, in paragraph 4 of its resolution 2326(XXII), the General Assembly had approved the programme of work envisaged by the Special Committee during 1968, including the review of the list of Territories to which the Declaration applied. It was noted that, at a recent conference in Algeria, the Organization of African Unity had adopted a resolution calling upon the French Government to take immediate steps to enable the people of the Comoro Archipelago to exercise the right to self-determination and independence and that, if the question was not considered at that session and if the Special Committee did not make a recommendation to the General Assembly that the Comoro Archipelago should be included in the list of Territories to which the Declaration applied, the question would be discussed in 1969 and only then would the recommendation be made to the General Assembly which, in its turn, could only review that recommendation in 1970. It was also argued that as an attempt was being made to perpetuate the colonial Power's control over the people of the Comoro Archipelago, it was necessary that the matter be considered by the United Nations.

586. In this connexion, the question was raised as to whether the Special Committee could inscribe an item on its agenda for discussion without the approval of the General Assembly. A related question was whether the Special Committee could examine the conditions in a Territory before the General Assembly had approved its inclusion in the list of Territories to which the Declaration applied.

587. The Office of Legal Affairs, at the request of the Secretary of the Special Committee, inter alia, stated that, in accordance with the established practice, the addition of a Territory to the list of Territories to which the Declaration applied was subject to the approval of the General Assembly before that Territory could be examined by the Special Committee. Therefore, the Special Committee could examine the conditions in a Territory only after the Assembly had approved its inclusion in the list to which the Declaration applied.

588. However, following the discussion, the Special Committee, by a vote of 10 to 7, with 6 abstentions, decided to defer consideration of the question of the inclusion of the Comoro Archipelago in the list of Territories to which the Declaration applied until the next session.

589. Following the adoption of the proposal, several representatives expressed their regret over the decision of the Special Committee. One representative reserved his position regarding the legal conclusions on the question arrived at by the Legal Counsel of the United Nations.

(iii) Hong Kong

590. During the consideration of the report of the Working Group in the Special Committee during the twenty-third and twenty-fourth sessions of the General Assembly, the representatives of Bulgaria, Poland and the Soviet Union raised the question of Hong Kong, which was included in the agenda of the Special Committee. They expressed the view that, since the question of Hong Kong was of direct concern to the People's Republic of China, the United Nations and its organs, including the Special Committee, should not consider that matter until the legitimate rights of the
People's Republic of China were restored in the United Nations.

591. The Special Committee did not take any action on the question of Hong Kong during the period under review. However, the Territory of Hong Kong continued to be included in the list of Territories to which the Declaration applied.

(iv) Puerto Rico

592. The question of the competence of the General Assembly and of its subsidiary body, the Special Committee, to examine the status of Puerto Rico in the context of the Declaration was raised during the twentieth, twenty-first and twenty-second sessions of the General Assembly, despite the opposition of the United States Government.

593. As has been reported, the General Assembly, by resolution 748(VIII), recognized that, by establishing a mutually agreed association of the Commonwealth of Puerto Rico with the United States of America, the people of Puerto Rico had effectively exercised their right of self-determination; declared that Chapter XI could no longer be applied to Puerto Rico, and consequently, considered it appropriate that the transmission of information under Article 73e should cease. The Assembly also expressed its assurance that, in accordance with the spirit of that resolution, the ideals embodied in the Charter, the traditions of the peoples of the United States and the political advancement attained by the people of Puerto Rico, due regard would be paid to the will of both the Puerto Rican and the American people in the conduct of their relations under their then legal status, and also in the eventuality that either of the parties to the mutually agreed association might desire any change in the terms of that association.

594. Subsequently, in 1965, the Minister of Foreign Affairs of Cuba requested the Special Committee to include the question of Puerto Rico in its agenda. This request was opposed by the representative of the United States, as the General Assembly had already decided, by its resolution 748(VIII), that Chapter XI of the Charter no longer applied to that Territory. It further maintained that any action by the Committee to reopen the consideration of the question of Puerto Rico would be tantamount to overriding the decision of the General Assembly.

595. The Special Committee did not examine the question of Puerto Rico at that session. It reported to the General Assembly that, subject to any directions of the General Assembly, it intended to continue its consideration of the list of Territories to which the Declaration applied.

Decision

596. By paragraph 3 of resolution 2105(XX) on the implementation of the Declaration, the General Assembly approved the report of the Special Committee in which the Committee had indicated that it would continue to consider the list of Territories to which the Declaration applied at its 1966 session.

597. The following year, the Special Committee again considered the list of Territories and the question of Puerto Rico. The Special Committee accepted the recommendation of its Working Group that the question required further detailed study and that it should make such a study at an early date during the next session of the Special Committee. The Special Committee reported this position to the General Assembly stating that, subject to any further directives that the General Assembly might give, the Special Committee intended in 1967 to give further consideration to the question of the list of Territories to which the Declaration applied.

Decision

598. The General Assembly, by paragraph 4 of its resolution 2189(XXI) on the implementation of the Declaration, approved the action taken and that envisaged by the Special Committee for the year 1967 with respect to the list of Territories to which the Declaration applied.

599. In 1968, during the consideration in the Special Committee of the report of the Working Group which, by consensus, had agreed to refer to the Special Committee the question of the inclusion of Puerto Rico in the list of Territories to which the Declaration applied, several representatives raised both procedural and substantive issues on the question.

600. On the procedural question, the representative of the United States, supported by some other representatives, maintained that the Special Committee, which was a subsidiary body of the General Assembly, established to deal with the implementation of the Declaration pertaining to colonial countries and peoples, had no authority to reconsider the question of Puerto Rico which had already been decided by the General Assembly in resolution 748(VIII). To claim that it did have such authority would be to suggest that the Special Committee, created by the General Assembly, was in a position to act counter to the parent body's findings that the obligations of Chapter XI of the Charter had been fulfilled with respect to Puerto Rico. To adopt such a position would expose any General Assembly decision to subsequent challenge by a subsidiary body.

601. Furthermore, it was pointed out that, in its five years of existence, the Special Committee had not added a single Territory to its original list without a decision of the General Assembly. A decision to add a Territory to the list would be tantamount to defining the status of the Territory in question, thereby creating a number of legal and practical consequences, such as the obligation of the administrative bodies, the validity of treaties and so on. It was inconceivable that a decision of that magnitude should be left to a subsidiary body of the General Assembly such as the Special Committee.

602. In support of the Special Committee's position, it was pointed out that the General Assembly, by resolution 2189(XXI), had empowered the Special Committee to continue to study the question of the inclusion of Puerto Rico in the list of Territories to which the Declaration applied. Thus, the General Assembly, at its
twenty-first session, had pronounced itself on the question as a whole, notwithstanding any previous decision of the General Assembly. If the earlier decision of the General Assembly in resolution 748(VIII) of 1953 was inconsistent with the decision of the Assembly in resolution 2189(XXI) of 1966, then the most recent decision must prevail. Every General Assembly was sovereign unto itself and a master of its own business. While a session of the Assembly could not bind subsequent Assemblies, a contemporary Assembly would take precedence over all Assemblies that preceded it. Otherwise, the errors made by the earlier Assemblies would be perpetuated. It was clear that the twenty-first session of the General Assembly had pronounced itself on the question of Puerto Rico and that it had concurred in the mandate of the Special Committee to deal with the question during its 1967 session. Consequently the Special Committee was legally empowered to take up the question of Puerto Rico under General Assembly resolution 2189(XXI).

603. On the substantive aspect of the question, the representative of the United States, supported by some other representatives, restated most of the previous arguments that the people of Puerto Rico had effectively exercised their right of self-determination; that the General Assembly, by resolution 748(VIII), had determined that Chapter XI of the Charter no longer applied to Puerto Rico, and that the Assembly considered it appropriate that transmission of information under Article 73e should cease. In the circumstances, it was asserted that the Commonwealth of Puerto Rico was a self-governing Territory and consequently was not within the purview of the Special Committee or the General Assembly. The representative of the United States thus moved that Puerto Rico should not be included in the list of Territories to be considered by the Special Committee on the situation with regard to the implementation of the Declaration.

604. The representatives who supported the inclusion of Puerto Rico in the list asserted that the people of Puerto Rico had been deprived of their inalienable right to self-determination, that they had not yet attained self-determination and independence in accordance with paragraphs 2 and 5 of General Assembly resolution 1514(XV), and Principles VI and VII of Assembly resolution 1541(XV) and that Puerto Rico, therefore, still remained a colonial Territory which came within the group of countries to which the Declaration applied. It was also pointed out that the fact of the United States continued to hold plebiscites in Puerto Rico, including the one planned in July 1967, was conclusive evidence that Puerto Rico was still a Non-Self-Governing Territory within the meaning of paragraphs 2 and 5 of the Declaration.

605. In support of this contention, one representative cited the decision of the United States Supreme Court in the case of *Balzac* versus *Puerto Rico*, in which it was ruled that Puerto Rico belonged to, but did not form a part of, the United States. That was a clear proof that Puerto Rico was a colony. Therefore, the Special Committee was duty bound to consider the question of the inclusion of Puerto Rico in the list of Territories to which the Declaration applied and to make appropriate recommendations thereon to the General Assembly for a decision.

606. It was also pointed out that, in paragraph 9 of General Assembly resolution 748(VIII), it was stipulated that due regard should be taken of the political progress within Puerto Rico and that, should such progress be made, the wish of the people of Puerto Rico should be represented in any change. If political progress had been made in Puerto Rico, the people of the Territory should have an opportunity to exercise their inalienable right to self-determination and independence in accordance with the Declaration.

607. In this connexion, the case of the Cook Islands was cited as an example of the continuing responsibility of the United Nations after the approval of the cessation of the transmission of information under Article 73e and until a Territory attained independence. Thus, in paragraph 6 of resolution 2064(XX), the General Assembly: "Reaffirms the responsibility of the United Nations, under General Assembly resolution 1514(XV), to assist the people of the Cook Islands in the eventual achievement of full independence, if they so wish at a future date."
States Government to define the political status of Puerto Rico and to give Puerto Rico the right of sovereignty. The United States Congress also ignored that request made by the Puerto Rican Assembly. Instead, the United States Government was trying to impose a colonial plebiscite on the Puerto Rican people in order to avoid its responsibility in not granting sovereignty to Puerto Rico.

611. In view of the conflicting contentions made in the Special Committee, one representative moved\(^{575}\) that the debate on the question of Puerto Rico be adjourned \textit{sine die}. The representative of the United States opposed\(^{576}\) the motion to adjourn the debate and urged the Special Committee to proceed to vote on the United States motion not to consider the question of Puerto Rico. He also stated that, if the Special Committee should decide to adjourn the debate, her delegation would interpret that decision as indicating the will of the Committee that Puerto Rico should not be considered by it. Furthermore, if the Committee adopted a motion to adjourn \textit{sine die}, under rule 117 of the rules of procedure of the General Assembly, that would preclude the further consideration of the issue at that session of the Committee. Another representative also opposed\(^{577}\) the motion to adjourn \textit{sine die}.

\textbf{Decision}

612. The Special Committee, by a vote of 15 to 8, with 1 abstention, approved\(^{578}\) the motion for the adjournment \textit{sine die} of the discussion of the question of the inclusion of Puerto Rico in the list of Territories to which the Declaration applied.

\(^{575}\textit{Ibid.}, \text{Syria.} \\
^{576}\textit{Ibid.}, \text{United States.} \\
^{577}\textit{Ibid.}, \text{Australia.} \\
^{578}\textit{Ibid.}\)