



SUMMARY RECORD OF THE 22nd MEETING

Chairman: Mr. SINCLAIR (Guyana)

CONTENTS

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued).

(a) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)

(b) REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 84: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(b) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)

AGENDA ITEM 85: QUESTION OF EAST TIMOR (continued)

(a) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)

(b) REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 87: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued)

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one month of the date of publication* to the Chief of the Official Records Editing Section, room A-3550, 866 United Nations Plaza (Alcoa Building), and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.4/35/SR.22
12 November 1980
ENGLISH
ORIGINAL: SPANISH

CONTENTS (continued)

(a) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)

(b) REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

AGENDA ITEM 88: UNITED NATIONS EDUCATIONAL AND TRAINING PROGRAMME FOR SOUTHERN AFRICA: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 89: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES: REPORT OF THE SECRETARY-GENERAL (continued)

The meeting was called to order at 11.45 a.m.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued) (A/C.4/35/L.2/Rev.1 and L.7)

- (a) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)
- (b) REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 84: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/C.4/35/L.6)

- (a) REPORT OF THE SECRETARY-GENERAL (continued)
- (b) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)

AGENDA ITEM 85: QUESTION OF EAST TIMOR (continued) (A/C.4/35/L.9)

- (a) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)
- (b) REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 87: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued) (A/C.4/35/L.3)

- (a) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)
- (b) REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/35/3/Add.30)

AGENDA ITEM 88: UNITED NATIONS EDUCATIONAL AND TRAINING PROGRAMME FOR SOUTHERN AFRICA: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 89: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES: REPORT OF THE SECRETARY-GENERAL (continued) (A/35/518)

/...

Draft resolutions A/C.4/35/L.2/Rev.1 and A/C.4/35/L.7

1. The CHAIRMAN said that, since there was no delegation that wished to explain its vote on draft resolution A/C.4/35/L.2/Rev.1 after the vote taken at the previous meeting, he would give the floor to those delegations which wished to explain their votes before the vote on draft resolution A/C.4/35/L.7.
2. Mr. BEDJAQUI (Algeria), speaking on a point of order, said that, since it had been decided at the previous meeting that draft resolutions A/C.4/35/L.2/Rev.1 and A/C.4/35/L.7 would be put to the vote together, it was inappropriate to have explanations of vote before the vote on draft resolution A/C.4/35/L.7. Any explanation of vote should be given either before or after the vote on the two draft resolutions, but not between the voting on the one and on the other. His delegation had already pointed out that the procedure followed would be contrary to rule 131 of the rules of procedure. Nevertheless, prompted by a spirit of discipline and co-operation, it had accepted the decision of the officers of the Committee that the procedure would be subject to rule 128 of the rules of procedure, despite the fact that that decision had deprived his delegation and other delegations of the possibility of submitting amendments to draft resolution A/C.4/35/L.7. Once the voting procedure had been initiated in accordance with rule 128, it should have been completed at the same meeting. The decision to adjourn the 21st meeting without the voting procedure having been completed had created a new legal situation. Firstly, it placed the continuation of the work outside the scope of rule 128 and, secondly, it opened up the possibility of making amendments, since the voting procedure was automatically subject to rule 131. Consequently, he formally requested that delegations should be permitted to submit amendments to draft resolution A/C.4/35/L.7.
3. The CHAIRMAN said that the adjournment of the previous meeting did not constitute an interruption in the voting procedure, which continued to be subject to rule 128 of the rules of procedure. At the close of the previous meeting, he had indicated that delegations would be provided with the opportunity, at the start of the current meeting, to explain their votes on draft resolution A/C.4/35/L.2/Rev.1 a posteriori. Since no delegation had expressed its intention to avail itself of that opportunity, he had announced, at the beginning of the current meeting, that he would give the floor to those delegations which wished to express their vote on draft resolution A/C.4/35/L.7 before the vote. In the light of the formal request made by the delegation of Algeria, the Committee now had to decide whether or not to permit amendments to be submitted to draft resolution A/C.4/35/L.7.
4. Mr. AMINI (Comoros) asked what was the basis for the Chairman's decision that the Committee should vote on the possibility of submitting amendments to draft resolution A/C.4/35/L.7.
5. The CHAIRMAN said that that seemed to be the appropriate procedure, in view of the fact that the Chairman's ruling on the matter had been challenged.
6. Mr. MRANI ZENTAR (Morocco) said that the Committee had decided at its previous meeting that the voting procedure had begun, in accordance with rule 128 of the

/...

(Mr. Mrani Zentar, Morocco)

rules of procedure. The previous meeting had been adjourned out of physical necessity in order to give the technical personnel a rest, and the current meeting was its natural continuation, subject to that same rule. Accordingly, it was inappropriate to submit amendments or to challenge the procedure; the only question that could be raised was the conduct of the voting.

7. Mr. BEDJAOUI (Algeria) said that at no time had he challenged the Chairman's decision; he had merely drawn attention to the fact that a new situation existed. It was not his delegation that was challenging the Chairman's rulings, but rather that of the Comoros, which had interrupted the Chairman when he had been about to put Algeria's proposal to the vote.

8. Mr. CABRAL (Guinea-Bissau) formally supported the Algerian proposal.

9. Mr. KAMANDA wa KAMANDA (Zaire), referring to the correctness of the procedure, said that Algeria's proposal ran counter to the rules of procedure of the General Assembly and to the Chairman's ruling of the previous meeting. When the previous meeting had been adjourned, voting on the two draft resolutions had already begun and, consequently, the procedure provided for by rule 128 of the rules of procedure had already been initiated. It was not possible to submit amendments to a draft resolution which had already been introduced and on which speakers had already expressed their views. His delegation was opposed to that violation of the General Assembly's rules of procedure.

10. The CHAIRMAN said that the voting process, which had been interrupted at the previous meeting, had been resumed, and consequently rule 128 of the rules of procedure continued to apply in the present situation. Since the representative of Algeria had requested the Committee to deviate from that procedure, he asked the Committee to decide by vote whether it agreed with the proposal of the representative of Algeria.

11. Mr. LEROTHOLI (Lesotho) raised a point of order regarding the role of the Chairman and of the Committee during the voting process, and drew attention to the fact that, under rule 113 of the rules of procedure, a representative could rise to a point of order, and a point of order would be immediately decided by the Chairman; consequently, only the Chairman could decide whether a point of order was admissible. In the case of the point of order raised by Algeria, it was for the Chairman alone to take a decision on the matter; subsequently, the Committee could appeal against that ruling. The only proposals which could be put forward at the current stage were those concerning the voting on two or more proposals relating to the same question, as provided for in rule 131 of the rules of procedure.

12. Mr. GONZALEZ DE LEON (Mexico) said that rule 113 of the rules of procedure clearly stipulated that, when points of order were raised, the Chairman must decide them immediately. On the other hand, under the same rule, the Chairman could decide not to take a decision himself, but to submit the matter to the Committee for it to take a decision by vote.

/...

13. The CHAIRMAN recalled that, at the previous meeting, it had been decided that the Committee would proceed in accordance with rule 128 of the rules of procedure. Consequently, no amendment could be proposed at the present stage of the voting. In view of the fact that Algeria had appealed against that ruling under rule 113, a vote should now be taken to determine whether the Committee endorsed Algeria's appeal against his ruling.

14. Mr. MRANI ZENTAR (Morocco) said that, in accordance with its earlier decision, the Committee was proceeding under rule 128 of the rules of procedure. Consequently, proposals which were not related to the actual conduct of the voting could not be accepted. If the procedure was to be modified, it would be necessary to go back on the decision adopted and to appeal against the Chairman's ruling; only then could articles 113 or 131 be invoked.

15. Mr. KOROMA (Sierra Leone) said that the misunderstanding resulted from an error committed at the previous meeting, at which two proposals had been submitted simultaneously, and that it was now necessary to correct that mistake.

16. Mr. RABETAFIKA (Madagascar) supported the representative of Sierra Leone and noted that, under rule 113, the only possibility was to put to the vote the point of order raised by Algeria in connexion with the right to submit amendments. If rule 113 was unacceptable in the circumstances, reference would have to be made to rule 121, which stipulated that any motion calling for a decision on the competence of the Committee to adopt a proposal would be put to the vote. In order to avoid any uncertainty, it would be necessary to know whether rule 131 could still be invoked and when it could be invoked.

17. The CHAIRMAN, citing rule 131 of the rules of procedure, said that the Committee could take a decision to that effect after each vote, before commencing its action on the next proposal.

18. Mr. KAMARA (Senegal) said that to put to the vote the points of order relating to the possibility of submitting amendments to draft resolution A/C.4/35/L.7 would have been an unconsidered action. Under rule 128 of the rules of procedure, the Chairman could accept a point of order only if it related to the actual conduct of the voting. Nor was it possible to invoke rule 113, which related to the procedure to be followed during the discussion of any matter and was not relevant to the case. It was for the Chairman to settle the question, which should be posed in clearer terms; if a delegation did not agree with the Chairman's ruling, it must challenge it, but it was not possible to put that ruling to the vote. There was no doubt that the question had already been resolved at the previous meeting by the Chairman, who had explained the procedure laid down in the rules of procedure for votes and explanations of vote. The voting had begun at that meeting; the meeting had been adjourned for reasons of time, but that did not mean that the voting had been interrupted.

19. Mr. KAMANDA wa KAMANDA (Zaire) supported the representative of Senegal. He had heard no motion referring to the actual conduct of the voting and the fact that different rules of procedure were being invoked in support of the same motion

/...

(Mr. Kamanda wa Kamanda, Zaire)

showed clearly that the aim was to impede the voting. The Chairman should take the appropriate decision so that the procedure could continue.

20. The CHAIRMAN repeated his ruling of the previous day to the effect that the voting process was governed by rule 128 of the rules of procedure. No proposed amendments could be accepted at the current stage and consequently the Committee could proceed with the explanations of vote.

21. Mr. MADEIRA (Mozambique) supported the proposal made at the previous meeting by the delegation of Equatorial Guinea to the effect that the third preambular paragraph of draft resolution A/C.4/35/L.7 should be deleted. The fourth preambular paragraph of the draft contained an incomplete quotation from a paragraph of resolution AHG/RES.92 (XV) adopted by the OAU Assembly of Heads of State and Government at its fifteenth session. The part referring to the exercise of the right of self-determination by the people of the Territory had been omitted; his delegation found that omission incomprehensible and would therefore have to vote against the draft resolution.

22. Mr. RABETAFIKA (Madagascar), speaking on a point of order concerning the applicability of rule 131 of the rules of procedure to the submission of motions before the voting, inquired whether a motion could be submitted at the current stage or whether it was necessary to wait until the explanations of vote had been completed.

23. After a procedural discussion, in which Mr. BEDJAOUI (Algeria), Mr. RABETAFIKA (Madagascar) and Mr. ALARCON (Cuba) took part, concerning the moment at which the voting began for purposes of the interpretation of rule 131 of the rules of procedure of the General Assembly, the CHAIRMAN asked the Legal Counsel for his opinion.

24. Mr. SUY (Under-Secretary-General, The Legal Counsel) confirmed the interpretation which the Chairman had given regarding rule 131. After each vote, that rule could be invoked. However, since the previous day, when the vote on draft resolution A/C.4/35/L.2/Rev.1 had taken place, rule 131 had not been invoked. When the Chairman had stated, at the outset of the current meeting, that there were no speakers wishing to explain their vote after the vote on draft resolution A/C.4/35/L.2/Rev.1 and that the Committee would next hear those representatives wishing to explain their vote before the vote on draft resolution A/C.4/35/L.7, as orally revised, that had been the time when rule 131 could have been invoked, if it had been so intended. As no such motion had been made, the Chairman had given the floor to the representative of Mozambique to explain his vote before the vote on draft resolution A/C.4/35/L.7. The voting process had begun at that moment, and that voting could not now be interrupted except for points of order in connexion with the actual conduct of the voting.

25. A recorded vote was taken on draft resolution A/C.4/35/L.7.

In favour: Argentina, Bahrain, Bangladesh, Bolivia, Brazil, Chile, Colombia, Comoros, Costa Rica, Democratic Kampuchea, Egypt, El Salvador, Equatorial Guinea, Gabon, Gambia, Guatemala, Guinea, Honduras, Iraq, Jordan, Liberia, Malaysia, Mauritius, Morocco, Oman, Pakistan, Paraguay, Philippines, Qatar, Saudi Arabia, Senegal, Solomon Islands, Somalia, Sudan, Thailand, Turkey, United States of America, Upper Volta, Uruguay, Zaire.

Against: Afghanistan, Algeria, Angola, Barbados, Benin, Botswana, Burundi, Cape Verde, Chad, Congo, Cuba, Cyprus, Democratic Yemen, Ethiopia, Ghana, Grenada, Guinea-Bissau, Guyana, Haiti, Iran, Jamaica, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Mexico, Mozambique, Nicaragua, Rwanda, Sao Tome and Principe, Seychelles, Swaziland, Syrian Arab Republic, Trinidad and Tobago, Uganda, United Republic of Tanzania, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Abstaining: Australia, Austria, Bahamas, Belgium, Bhutan, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Lebanon, Luxembourg, Maldives, Mali, Mauritania, Mongolia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Spain, Sri Lanka, Suriname, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, Venezuela, Yemen.

26. Draft resolution A/C.4/35/L.7 was rejected by 41 votes to 40, with 58 abstentions.

27. Mr. SERAO (Angola), speaking in explanation of vote, said he had voted against draft resolution A/C.4/35/L.7 because it did not quote accurately the decision of the OAU Ad Hoc Committee of Heads of State and deliberately omitted any reference to the application of the Declaration on Decolonization to the Saharan people.

28. Mr. CHARLES (Haiti), speaking in explanation of vote, said his delegation, which was opposed to all forms of colonial oppression, had voted against draft resolution A/C.4/35/L.7 because the text made no reference to the inalienable rights of the Saharan people.

29. Mr. ALBORNOZ (Ecuador), speaking in explanation of vote, said he had abstained from voting on draft resolution A/C.4/35/L.7 because of the reference therein to a regional organization; cases of decolonization need not necessarily be referred to such an organization.

30. Mr. ATEPOR (Ghana), speaking in explanation of vote, said that during the debate on draft resolution A/C.4/35/L.7, his delegation had been surprised to see that the draft made no reference to the right of self-determination of the Saharan people. Since that omission seemed to be deliberate, his delegation considered the proposed text completely unacceptable.

31. Mr. MELENDEZ (El Salvador), speaking in explanation of vote, said he had voted for draft resolution A/C.4/35/L.7 because he supported and respected arrangements by regional bodies aimed at settling disputes between States.

32. Mr. ALARCON (Cuba) said he had voted against draft resolution A/C.4/35/L.7 because although submitted under agenda item 18 it made no reference to the right of peoples to self-determination in accordance with General Assembly resolution 1514 (XV) and also because the resolution did not give an accurate picture of the results of the action undertaken by the Organization of African Unity with regard to the matter.

33. Mr. VLASCEANU (Romania) said his delegation attached particular significance to the action undertaken within the framework of the Organization of African Unity with a view to finding a solution to the problem of Western Sahara. As was well known, the Organization of African Unity was actively involved in the solution of that problem, for the first time with the participation of all the parties involved in the conflict. His delegation believed that the Organization of African Unity should continue its efforts and keep the United Nations informed of its conclusions.

34. His delegation had had consultations with the delegations which had initiated the two draft resolutions just voted on, with a view to the preparation of a single draft resolution that would be acceptable to all the parties. Since it had proved impossible to prepare such a single draft resolution, his delegation had decided not to participate in the vote on the two draft resolutions submitted to the Committee on the question of Western Sahara (A/C.4/35/L.2 and A/C.4/35/L.7).

35. Mrs. NEWSOM (United States of America) said the conflict in the Western Sahara had gone on too long and was endangering not only the future of the people of the Territory, but also the stability of North Africa. It had become increasingly clear that neither side could win a military victory. What was needed was a peaceful settlement acceptable to all those involved. The United States was determined to support such efforts but was not committed to any particular solution, being neutral as to the eventual status of the Territory.

36. Her delegation had hoped that the consideration of the question of Western Sahara at the current session would make a substantial contribution to the search for a peaceful settlement. Instead, the situation had been polarized and positions had hardened.

37. Draft resolution A/C.4/L.2/Rev.1 strongly supported the peace-making efforts of the Organization of African Unity. However, it prejudged the outcome of the negotiation process, since independence was not the only appropriate outcome of

/...

(Mrs. Newsom, USA)

self-determination and the General Assembly had accepted the validity of alternative outcomes. What was important was that the wishes of the people of the Territory should be ascertained and respected. In that context, the draft resolution failed to maintain sufficient neutrality with respect to the parties to the dispute and with respect to who could speak on behalf of the people of the Territory. For those reasons, her delegation had been unable to support that draft resolution.

38. Draft resolution A/C.4/35/L.7 came closer to what the situation required. In principle, her delegation favoured the resolution of disputes such as the one in question by regional bodies, and commended the decision of the sponsors of the draft to welcome the peace process initiated by the Ad Hoc Committee of the Organization of African Unity at its fifth session, held in Freetown. On the other hand, any reference to the efforts of that Committee must be judged inadequate unless it mentioned its recommendations, calling for a cease-fire, to be followed by a referendum. Consequently, her delegation would have welcomed a reference in either of the two draft resolutions - and preferably in both - to the specific core elements of the Freetown proposals. In any event, Morocco had indicated a clear willingness to have the Organization of African Unity determine the will of the Saharan people and was also willing to discuss immediately ways of achieving that result. On the basis of that statement, his delegation had voted for draft resolution A/C.4/35/L.7.

39. Mrs. NOVOTNY (Austria) said her Government considered that the solution of the critical situation in Western Sahara could only be found through full application of the principle of self-determination and by the participation of all parties interested in the settlement of the dispute. Her Government attached particular importance to the constructive efforts undertaken by the Organization of African Unity aimed at ending the hostilities in the area; Austria had traditionally maintained friendly relations with the States in that area. Those considerations had been reflected in the vote cast by her delegation.

40. Mr. SALONEN (Finland) said his delegation had voted for draft resolution A/C.4/35/L.2/Rev.1 and recalled that in July 1979 the Assembly of Heads of State and Government of the Organization of African Unity had stated it was in favour of holding a free general referendum in Western Sahara that would permit the attainment of complete independence. His delegation supported the holding of such a referendum and also supported all efforts aimed at attaining a just and lasting negotiated settlement of the question of Western Sahara. However, it was regrettable that the resolution submitted was not more in line with the decisions and recommendations of OAU; for that reason he had abstained from voting on draft resolution A/C.4/35/L.7, which he considered incomplete in various basis respects, in particular owing to the failure to mention the principle of the inalienable right of peoples to self-determination.

41. Mr. JAMES (Australia) said that the keystone of Australia's policy with respect to Western Sahara was its support for the right of self-determination of the Saharan people, in accordance with the Charter of the United Nations. Australia had followed with interest the efforts of OAU and its Ad Hoc Committee

/...

(Mr. James, Australia)

to work out a peaceful settlement of the dispute acceptable to all. With regard to draft resolution A/C.4/35/L.2/Rev.1, his delegation, while recognizing the role played by Frente Polisario in the struggle of the Saharan people for self-determination, reaffirmed the right of self-determination of the Saharan people as a whole. Although it supported many of the elements of draft resolution A/C.4/35/L.7, his delegation could not support that draft because of the lack of any direct reference to the right of the Saharan people to self-determination, territorial integrity and independence. Australia hoped that the parties involved in the conflict would find a peaceful solution, taking into account the relevant United Nations resolutions.

42. Mr. PIZA ESCALANTE (Costa Rica) said his Government had recognized the legitimacy of Frente Polisario and had established diplomatic relations with the Saharan Arab Democratic Republic; for that reason his delegation had voted for draft resolution A/C.4/35/L.2/Rev.1, which reaffirmed the competence of OAU and praised the negotiations aimed at achieving a peaceful settlement of the dispute. His delegation had also voted for draft resolution A/C.4/35/L.7, because it considered that that draft was not incompatible with the previous one, since although it did not mention the right of self-determination of the Saharan people explicitly it did not deny the existence of that right and indeed implicitly recognized it by referring to the relevant United Nations resolutions on decolonization and the decisions of OAU.

43. Mr. SAID (Malaysia) said he had voted for draft resolution A/C.4/35/L.2/Rev.1 because it was in line with his country's position of supporting the inalienable right of all colonial peoples to self-determination and independence. However, with reference to operative paragraph 10, he wished to state that, guided by the decision of OAU, it was not in a position to accept Frente Polisario as the only representative of the people of Western Sahara.

44. His delegation considered that draft resolutions A/C.4/35/L.2/Rev.1 and A/C.4/35/L.7 were not contradictory and should complement each other so that, if taken together, they would constitute the best possible approach to solving the question of Western Sahara. It had also voted for draft resolution A/C.4/35/L.7, since it welcomed the initiative of the OAU Ad Hoc Committee to seek a lasting and peaceful solution to the question.

45. Mr. AHMAD (Pakistan) said his delegation had voted for draft resolutions A/C.4/35/L.2/Rev.1 and A/C.4/35/L.7 in accordance with its consistent loyalty to the basic principles of the Charter of the United Nations and General Assembly resolution 1514 (XV). Although it believed it would have been preferable to have only one resolution to encourage and facilitate the efforts of OAU to solve the problem, his delegation did not wish to be associated with any of the accusatory provisions of draft resolution A/C.4/35/L.2/Rev.1, which might impede the search for a solution to the problem within the context of the United Nations and OAU. His delegation felt that draft resolution A/C.4/35/L.7 would enable the five-nation Ad Hoc Committee set up by OAU to continue seeking a peaceful solution to the problem.

/...

46. Mrs. ADENAUER (Honduras) said her delegation had voted for draft resolutions A/C.4/35/L.2/Rev.1 and A/C.4/35/L.7 because it believed in the inalienable right of peoples to self-determination and independence in accordance with the principles of the Charter embodied in General Assembly resolution 1514 (XV). It likewise supported the mediation efforts by OAU and requested the latter's Ad Hoc Committee to continue its reconciliation efforts, which constituted one of the best ways of settling disputes.

47. Mrs. NEWSOM (United States of America), speaking in exercise of the right of reply and referring to a statement by the representative of Nicaragua concerning Puerto Rico, said that when an attempt had been made in 1978 to raise the question of Puerto Rico in the Fourth Committee, it had been decided to request the opinion of the Legal Counsel of the United Nations as to whether or not the question of Puerto Rico was before the Committee. That opinion, contained in document A/C.4/33/15, stated quite clearly that the question of Puerto Rico was not a question before the Fourth Committee, since it was not on the list of Territories to which the Declaration applied and consequently not in any of the chapters of the report of the Special Committee dealing with specific Territories allocated to the Committee by the General Assembly. The Fourth Committee had accepted the advice of the Legal Counsel and had decided that the matter was not properly before it.

48. The same situation existed at the current stage and it should be clear that the United States fully respected the right of the people of Puerto Rico to self-determination.

The meeting rose at 2.20 p.m.