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FOURTH COMMITTEE
24th meeting
held on
Wednesday, 28 November 1984
at 3 p.m.
New York

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SUMMARY RECORD OF THE 24th MEETING

Chairman: Mr. LOHIA (Papua New Guinea)

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The meeting was called to order at 3.45 p.m.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued) (A/C.4/39/L.13, L.14/Rev.1, L.16 to L.19)

Question of Western Sahara

1. Mr. REDA GUEDIRA (Morocco) said that nearly all of the many resolutions on the Sahara which had been debated and adopted over the past 20 years had dealt with the problem in terms of decolonization. When Morocco became independent in 1956, the colonizing Power, Spain, adamantly refused to restore all of its territory and rejected Morocco's efforts to negotiate a peaceful solution, and Morocco then turned to the United Nations. The initial result was General Assembly resolution 2072 (XX), which urgently requested the Government of Spain, as the administering Power, to take immediately all necessary measures for the liberation of Spanish Sahara from colonial domination and to enter into negotiations on the problems relating to its sovereignty. Faced with Spain's persistent refusal to be reasonable, Morocco turned to the International Court of Justice, which, in a 1975 decision, clearly recognized the ties between Morocco and the population of the Sahara. That unambiguous judgement of the highest international legal body justified the union of Spanish Sahara with Morocco, and subsequent negotiations with Spain had resulted in the 1975 Madrid Agreement. The present impasse was the result of greed disguised as principle, and started when the General Assembly, in resolution 31/45, took note of the decision of the Organization of African Unity to hold an extraordinary session devoted to the question of Western Sahara, which ultimately made the international community the innocent victim of the greatest hoax the world had ever known.

2. The Moroccan position was that its sovereignty over the Sahara was no more than its right under international law, and confirmed by the highest international legal body, the International Court of Justice; and to those who had invoked as a counter-argument the right of self-determination, he pointed out that the International Court of Justice had stated that the validity of that right was not diminished by the fact that in some cases the General Assembly had not required consultation with the inhabitants of a territory either because its population did not constitute a "people" entitled to self-determination or because of special circumstances. To counter the arguments of its adversaries, in 1981, Morocco had proposed that a referendum should be held in the territory, even though none was required under international law, and it promised to abide by the results. The Organization of African Unity Implementation Committee on Western Sahara was therefore organized in order to arrange for such a referendum, and it established the conditions under which one was to be held. That would have left the question of independence to the free choice of the Saharan people. The Saharan Arab Democratic Republic then requested admission to the OAU and Morocco protested because the former was not a sovereign State and because it was for the Saharan people to decide its own fate. The Saharan people was simply ignored, however. The admission of the Saharan Arab Democratic Republic to OAU, instead of promoting

(Mr. Reda Guedira, Morocco)

peace, threatened a number of States because it placed the legitimate sovereignty of States at the mercy of minorities. Morocco had therefore been obliged to take the painful decision to withdraw from OAU, even though it had been a founding member of that organization. The OAU Charter could not be changed to suit the convenience of individual members without destroying OAU itself.

3. Turning to the draft resolutions, he said that the real author of draft resolution A/C.4/39/L.13 was well known, despite the many sponsors, and that its many inherent contradictions were obvious. Morocco's own draft resolution in document A/C.4/39/L.14/Rev.1 in no way meant any lessening of its determination to abide by its commitments. Morocco's recourse to OAU for arbitration had been justified and had resulted in some progress. Morocco's only reservation had to do with the question of direct negotiations on a cease-fire, which it rejected on grounds of principle because such negotiations would pre-judge the outcome of a referendum and would reward the aggressor. The United Nations had the means to deal with the situation and it should provide its good offices. Morocco was not acting out of hostility towards OAU, even though it had withdrawn from it; but the situation had changed since Morocco first had recourse to OAU because OAU was now a party to the dispute, and therefore could not be an arbitrator, and Morocco was no longer a member of OAU. OAU had also pre-judged the situation, thereby leaving the United Nations as the only proper forum to deal with a problem which it had itself delegated to OAU in the first place.

4. Despite its withdrawal from OAU, Morocco was for ever African, would remain in all the relevant African relevant organizations and would fight for African dignity in the United Nations.

5. The fact was that since 1976 OAU had failed to solve the problem of the Sahara because of the obduracy of those who had created the problem in the first place. Morocco had shown its goodwill by reiterating its commitment to abide by the results of a referendum, even while the cease-fire in the area was being violated, not by Morocco, but by those who turned to regional bodies while flouting the resolutions of those bodies. Morocco would participate in any action which could promote peace and security in the region, and although that was the aim of its draft resolution, it would now withdraw that resolution in order to show its determination to contribute to a constructive debate in the Committee.

6. Mr. GATER (Rwanda) said that, in recognizing the Saharan Arab Democratic Republic, his country had acted in a sovereign manner to promote the right of self-determination and the right to peace and freedom of all peoples without exception, including the people of Western Sahara. The only viable framework for finding a just and lasting solution to the question of Western Sahara was to be found in OAU resolution AHG/Res.104 (XIX), as reflected in General Assembly resolution 38/40 and in draft resolution A/C.4/39/L.13, which his delegation supported without reservation and which it hoped would be adopted by consensus.

7. Mr. TANAKA (Secretary of the Committee) said that draft resolution A/C.4/39/L.13 would have financial implications, because paragraph 5 required United Nations co-operation in implementing OAU resolution AHG/Res.104 (XIX)

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(Mr. Tanaka)

which, in paragraphs 4 and 5, called for a joint United Nations-OAU peace-keeping force to be stationed in Western Sahara during the referendum and mandated United Nations participation in the proper implementation of the resolution as a whole. The Secretary-General wished to state that he was not in a position at that time to prepare estimates of those financial implications and that he accordingly intended, subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, to incur such expenditures as might be necessary and appropriate under the terms of the resolution on unforeseen and extraordinary expenses.

8. Mr. MAGALHÃES (Brazil), speaking in explanation of vote before the vote on draft resolution A/C.4/39/L.13, said that Brazil had consistently supported the inalienable right of the Saharan people to self-determination, and it hoped that a fair referendum would be organized without delay in Western Sahara, in accordance with United Nations and OAU resolutions, especially OAU resolution AHG/Res.104 (XIX). It therefore intended to vote in favour of the draft resolution before the Committee.

9. Mr. FELDMAN (United States of America) observed that the Committee found itself in a peculiar position. The country most directly concerned in the Western Sahara conflict had put forward a resolution in which it pledged to carry out a cease-fire and support a popular referendum; and it would have been expected that all members of the Committee would applaud such a determination to end the conflict. Yet Morocco had felt impelled to withdraw its resolution, the reason being that amendments had been proposed, in documents A/C.4/39/L.16 to L.19, which would have drastically changed it.

10. The United States had no quarrel with draft resolution A/C.4/39/L.13, which was fine as far as it went. But it greatly regretted that it had not been possible to achieve some form of compromise. That draft resolution and Morocco's draft resolution had not been very far apart. The former called for a referendum under OAU and United Nations auspices and the latter for a referendum under United Nations auspices. It was, therefore, not inconceivable that a means could have been found of bridging the two positions: the Committee could have asked the Secretary-General to arrange for a referendum under "appropriate international auspices". Partisans of either side would have had no difficulty with such a text and that would have moved the problem closer to solution.

11. Similarly, the drafters had dealt uncompromisingly in paragraph 3 of draft resolution A/C.5/39/L.13 with another main stumbling block, the call for direct negotiations with a view to bringing about a cease-fire; to which Morocco had objected, as all well knew, because it felt that negotiations should follow a referendum and not precede it. Surely the text of paragraph 3 could have requested the parties instead "to take all the steps necessary with a view to bringing about a cease-fire and to create the necessary conditions for a peaceful settlement on the basis of an act of a legitimate self-determination". Such a wording would have been acceptable to Morocco.

(Mr. Feldman, United States)

12. Instead, the Committee had embarked on an attempt not to solve a problem but to pass a resolution on a problem. To create a situation where one of the key parties to a conflict was driven to feeling that it had been ill-used and not given a fair hearing had been unwise. Since the Committee had not seen fit to draft a consensus resolution, the United States would, with deep regret, abstain in the vote on the draft resolution.

13. Mr. de PINIES (Spain) said that when Spain had relinquished its role as administering Power in Western Sahara, it had said that the decolonization of the Territory would occur only when the people were allowed to express their wishes in a valid manner. The United Nations and the Organization of African Unity had repeatedly stated in their resolutions that the question of Western Sahara was a decolonization problem to be solved on the basis of self-determination, through a referendum. The principle had also been accepted by all the parties directly concerned. Spain would vote for draft resolution A/C.4/39/L.13 because it reaffirmed that basic principle unequivocally.

14. There were divergences of opinion on how to apply that principle. OAU had devoted years to finding a way of overcoming those divergences; and Spain hoped, in connection with the recent developments in OAU, that Morocco would soon rejoin that organization and resume its outstanding role in it. A just and enduring solution could only be achieved with the full participation of the parties involved, and the Governments of the Maghreb would have to show proof of generosity and farsightedness.

15. Mr. LASARTE (Uruguay) said that his delegation would vote in favour of draft resolution A/C.4/39/L.13, even though it would have preferred a consensus resolution. With regard to paragraph 3, his delegation believed that the question of which of the parties to the conflict represented the people would be decided in the course of the people's exercise of self-determination, as indeed was affirmed in paragraph 1 of the draft resolution.

16. Mr. HEPBURN (Bahamas) said that the main thrust of draft resolution A/C.4/39/L.13 was acceptable to all, but that a lack of political will was the problem. The Bahamas would therefore vote in favour of the draft resolution as a way of furthering implementation of the needed action.

17. The CHAIRMAN announced that Ethiopia, Senegal, the Seychelles and Togo had become co-sponsors of draft resolution A/C.4/39/L.13.

18. A recorded vote was taken by roll call on draft resolution A/C.4/39/L.13.

19. Gabon, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian

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Soviet Socialist Republic, Cameroon, Cape Verde, Chad, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Greece, Guinea,* Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Iran (Islamic Republic of), Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, New Zealand, Nicaragua, Niger, Nigeria, Panama, Papua New Guinea, Peru, Poland, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Spain, Suriname, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Equatorial Guinea.

Abstaining: Bangladesh, Belgium, Brunei Darussalam, Burma, Canada, Chile, China, Comoros, Denmark, El Salvador, France, Gabon, Germany, Federal Republic of, Guatemala, Iceland, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Lebanon, Luxembourg, Malaysia, Maldives, Nepal, Netherlands, Norway, Pakistan, Paraguay, Philippines, Portugal, Qatar,* Romania, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sri Lanka, Sudan, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

20. Draft resolution A/C.4/39/L.13 was adopted by 90 votes to 1, with 45 abstentions.*

21. Mr. FAN Guoxiang (China) said that his delegation considered that the question of western Sahara was an issue which had been inherited from the colonial past. It supported the right of the people of the western Sahara to self-determination. The best way to solve world problems was through consultation, not confrontation. It would therefore be helpful to African unity if the problem of western Sahara could be settled by patient negotiations. His delegation had therefore abstained in the vote.

22. Ms. FORSMAN (Finland) said that Finland had followed a consistent policy of support for the self-determination of colonial peoples and regretted that no solution had yet been found to the problem of Western Sahara. It was also a matter for regret that the decisions taken by the Organization of African Unity in 1981

* After the vote had been recorded but before the result had been announced, the representatives of Guinea and Qatar indicated that they had intended not to participate in the vote.

(Ms. Forsman, Finland)

and 1983 had not yet been implemented. Her delegation had voted in favour of the draft resolution but would clearly have preferred it to have been adopted by consensus.

23. Mr. EL SHEIKH (Sudan) said that his country had always believed in the sanctity of the right of peoples to self-determination. It had accordingly participated in the work of the Implementation Committee of the Organization of African Unity and continued to believe that that organization and the United Nations provided the appropriate framework within which a solution to the conflict in Western Sahara should be resolved. The draft resolution had contained many positive ideas but his delegation had been compelled to abstain because of the inclusion of certain language. His delegation's vote reflected the keenness of Sudan to participate with other African countries in the search for a solution which would end the conflict.

24. Mr. BJURNER (Sweden) said that the people of Western Sahara should be given the right to express their wishes freely. His delegation had supported the efforts of the Organization of African Unity which was working in accordance with the principle that regional problems should be resolved in a regional context. Sweden had accordingly welcomed the resolutions and decisions of the Organization of African Unity which had indicated how a referendum on the issue could be conducted in a peaceful manner. It regretted that efforts to that end had not yet succeeded and that the people of Western Sahara had accordingly not been able to exercise their rights. His delegation regretted that certain elements which could have contributed to a solution had not been reflected in the draft resolution. The United Nations had an unequivocal role to play on the issue of decolonization if regional efforts failed. It was a matter for regret that it had not been possible to reach consensus but his delegation had supported the draft resolution with a view to facilitating a peaceful settlement.

25. Mr. ALMUSLECHNER (Austria) shared the view of other delegations that it would have been preferable if the draft resolution had been adopted by consensus. His delegation had voted in favour of it because of its general thrust which called for a peaceful solution through negotiations. A political solution should be primarily achieved through the Organization of African Unity with the United Nations, particularly through the good offices of the Secretary-General, playing a supporting role.

26. The CHAIRMAN said that, before declaring that the Committee had concluded its work for the thirty-ninth session, he would summarize its achievements briefly.

27. Seven items had been allocated to the Committee by the General Assembly and the Committee had completed its business in 24 meetings. It had adopted 20 draft resolutions and decisions and, of the 20 draft proposals approved, 17 had been prepared and submitted by the Special Committee of 24. The work of the Special Committee of 24 had been particularly valuable in that it had eliminated the need for the Fourth Committee to hold a series of protracted informal meetings of various drafting groups. He welcomed the fact that the Committee had been able to adopt most of its resolutions and decisions by consensus.

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(The Chairman)

28. During the current session, the plight of the Namibian people had emerged as the one issue which had continued to engage the Committee's most serious attention. The activities of foreign economic and other interests had also been the focus of considerable debate. There had been wide agreement among delegations that the activities of foreign economic and other interests could, if not regulated properly, adversely affect the decolonization process in the remaining colonial territories. On the issue of Namibia, there had been a sense of frustration at the continuing non-implementation of Security Council resolution 435 (1978). Most delegations had been in agreement that co-operation with South Africa only provided sustenance to the racist régime and therefore undermined the resolve of the United Nations to end South African colonial rule over Namibia. A number of delegations had expressed regret that extraneous elements, such as the linkage of South Africa's withdrawal from Namibia with the withdrawal of Cuban troops from Angola had seemingly stalled the implementation of resolution 435 (1978).

29. The Committee had reaffirmed the importance of the information submitted on the Non-Self-Governing Territories pursuant to article 73 (e) of the Charter. Visiting missions had also performed an essential role by amassing information which was useful to the Committee's deliberations and by verifying on the spot whether or not administering Powers were indeed fulfilling their responsibilities. Despite progress in the Non-Self-Governing Territories in the Pacific, the Committee must continue its efforts to ensure that the rights and aspirations of the peoples of those Territories were adequately addressed.

30. The Committee had also repeated its appeal for greater financial and other support for the United Nations Educational and Training Programme for southern Africa and for continued support for the programme regarding the provision of study and training facilities to the inhabitants of those territories that had not yet attained self-government or independence.

31. The role of the United Nations in the decolonization process had been one of its outstanding accomplishments; indeed, in no other area had the United Nations played a more fruitful and constructive role.

CONCLUSION OF THE COMMITTEE'S WORK

32. Following an exchange of courtesies, the CHAIRMAN declared that the Committee had concluded its work for the thirty-ninth session.

The meeting rose at 5.40 p.m.