

2164th meeting

Tuesday, 11 November 1975, at 10.55 a.m.

Chairman: Mrs. Famah JOKA-BANGURA (Sierra Leone).

A/C.4/SR.2164

AGENDA ITEM 23

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (*continued*) (A/10023/Add.4 and 5, A/10023/Add.6 (part I), A/10023/Add.7, A/10023/Add.8 (parts II and III), A/10082, A/10091, A/10095, A/10097, A/10101-S/11707, A/10104, A/10175, A/10269, A/10300, A/10326-S/11862, A/10337-S/11872, A/C.4/783, A/C.4/786, A/C.4/787 and Add.1-4, A/C.4/789, A/C.4/794-799, A/C.4/L.1094, A/C.4/L.1101, A/C.4/L.1102)

QUESTION OF BELIZE (*continued*)

1. Mr. SALAZAR (Costa Rica) said that the countries of Central America, including Costa Rica, were closely linked together by historical ties and could not remain indifferent to the debate on the question of Belize. They all agreed with the position of Guatemala, as did the majority of other Latin American countries. That point must be borne in mind, since problems affecting a particular region had always been effectively dealt with by adopting a regional approach and regarding the views of the countries of the region as a key element in decision-making.

2. Costa Rica had consistently supported the decolonization process, which had its origins in no less a document than the United Nations Charter and had been encouraged by resolutions adopted by the General Assembly, and particularly resolution 1514 (XV). On all those occasions Guatemala had reserved its just claim and made it quite clear that, in the case of Belize, the United Kingdom was illegally occupying a territory that had never ceased to belong to Guatemala.

3. In resolution 1514 (XV) a clear distinction was made between cases involving occupation of territory, which called for a process of decolonization that could culminate in self-determination, and cases involving the disruption of a country's territorial integrity, which required a different treatment. The latter situation was dealt with in paragraph 6 of resolution 1514 (XV) and the question of Belize clearly came within its scope. Most Latin American countries agreed that it would be wrong to disregard Guatemala's claim and view the question of Belize as a question of decolonization by a unilateral decision of the United Kingdom.

4. In his opinion the question of Belize basically involved a dispute between Guatemala and the United Kingdom. As such it should be settled in accordance with the provisions of Article 2, paragraph 3, of the Charter. It should not be viewed as a case involving a simple decolonization process.

5. With regard to the rights of the people of Belize, his delegation wished to make it clear that it respected them

and that they must be taken into account in the negotiations that were being advocated.

6. Mr. BARREIRO (Paraguay) said that the question of Belize did not involve a simple process of decolonization of a territory ruled by a colonial or administering Power; it involved a long-standing international dispute between the United Kingdom and Guatemala, which must be settled in accordance with international law.

7. The legal dispute was a serious one, arising out of the unlawful usurpation of Guatemalan territory by the United Kingdom, which was now seeking to minimize the importance of the question, proceed with its plans for self-determination for Belize and incorporate the territory into the British Commonwealth. The representative of the United Kingdom had called the situation "absurd and tragic". But the situation affected the territorial integrity of Guatemala and warranted consideration on a priority basis. Both the United Kingdom and the Belizean authorities should have begun by negotiating with Guatemala.

8. Recalling the discussion held at the 2162nd meeting, he considered the statement by the Premier of Belize to the effect that the nations of Latin America were made up of "transplanted populations" to be erroneous in the case of the American territories conquered and colonized by Spain. Spain had not taken possession of those lands in order to use them as mere military enclaves or enclaves for economic exploitation but had given them the best of its heritage. There had been no extermination of the indigenous population and the present population was proud to be of mixed origin.

9. The statement by the Premier of Belize had been described as "moving". Most of Latin America was also affected by the fact that the United Kingdom had failed, for centuries, to respect Guatemala's right to its territorial integrity and that the representative of the United Kingdom was seeking to minimize the importance of the question.

10. He thought that there was a crisis of ethical values and legal judgement in the arguments put forward in the United Nations. The only way of living together in a true and just international community was to respect the rules of ethics and international law.

11. The question of Belize was not simply a problem of decolonization or self-determination. It involved a territory that had first belonged to Spain and then to Guatemala, which had been occupied by force by an extra-continental Power. A deplorable precedent would be set if a colonial Power, after maintaining its rule over a territory and occupying it with populations that had certainly been transplanted, were allowed to assert its claims by granting self-government. Paraguay had always fought for the

defence of its rights—in international courts and in the course of two wars—and could not condone a manoeuvre that was contrary to law, justice, ethics and honour.

12. Mr. PAQUI (Dahomey) said that the question of Belize was a very simple one and could therefore be resolved without difficulty if it were not for some unnecessary interference. What was really at issue was whether the Territory of Belize should be decolonized and whether its people could enjoy the inalienable right of self-determination and independence without having Belize's territorial integrity endangered by the expansionist desires of a neighbouring country.

13. At the 2162nd meeting, the Premier of Belize had made a brilliant statement answering that question; his delegation had listened carefully to that statement and fully endorsed it. It had also heard the statement of the representative of the United Kingdom at the same meeting, as well as the Guatemalan statements at that and the following meetings, when the representative of Guatemala had tried to justify his country's territorial claims on Belize. As he understood it, the representative of Guatemala had asserted that Belize had no well-defined frontier and was a part of Guatemala. If that was the case, he wished to ask the representative of Guatemala where the authority of the administering Power was being exercised. Moreover, in reply to the assertion that the Committee should not take upon itself the functions of a court, he said that the Committee was indeed not a court, but should deal with certain questions and propose formulas that would satisfy world opinion. In any event, he wondered why the representative of Guatemala had spoken before a body whose competence in the matter he refused to recognize.

14. In his delegation's view, Belize was a Territory under United Kingdom administration, and the provisions of General Assembly resolution 1514 (XV) consequently applied to it.

15. Even if the historical reasons put forward in an attempt to justify an expansionist tendency were somewhat clearer, what was most important in a decolonization process was the freely expressed opinion of the population concerned, once the administering Power had made clear its willingness to initiate that process. In the case of Belize, that opinion was well known: the entire population favoured independence and rejected any link to Guatemala. The administering Power, for its part, did not oppose the expression of that desire, and Belize had had internal self-government since 1964. If Guatemala had not asserted territorial claims, Belize would have attained independence.

16. His delegation believed that the question should be settled between the administering Power and the Government of the people involved; it categorically rejected the arguments presented by Guatemala, which it did not regard as serious or well founded. It also condemned as acts of intimidation the troop movements made by the Government of Guatemala along a frontier whose existence it denied. Consequently, his delegation supported the draft resolution sponsored by Mauritius (A/C.4/L.1101). Guatemala must understand that it would have to coexist with the people of Belize and refrain from any act prejudicial to future good relations between the two countries; it should not dishonour its glorious past by

denying a neighbouring people the right that Guatemala itself had won at the cost of the blood of its sons.

17. The right to self-determination and independence should not be obstructed on any pretext. Accordingly, Dahomey had become a sponsor of draft resolution A/C.4/L.1096, which was based on the principles that had always been defended by the United Nations, although Dahomey believed that participation by a third party, the Government of Guatemala, which was referred to in paragraph 4, would only make a solution more complicated.

18. He urged the Government of Guatemala to stop obstructing the completion of the process initiated in 1964 and hoped that all delegations would support draft resolution A/C.4/L.1096, in order that the State of Belize might join the international community as soon as possible.

19. Mr. SALIM (United Republic of Tanzania) said that his country's Government supported the aspirations of the people of Belize to self-determination, since self-determination was a rule that admitted of no exceptions. In accordance with the principles of the United Nations Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples, every people, irrespective of its numbers, colour or beliefs, had that right, a right which, ever since the adoption of the Charter at San Francisco, had become a symbol of all peoples that wished to free themselves from colonialism and gain their freedom. The right of peoples to self-determination was one of the most important guidelines in international relations and one of the cardinal principles of international law. In that context, it was clear that Belize, like all other colonial Territories, had the right to self-determination. Yet the decolonization of that Territory had been impeded by problems arising out of the territorial claims of a neighbouring country; he did not wish to discuss the validity of those claims, but in his opinion, the application of the principles of the Charter nullified all legal claims by other countries. That doctrine had been clearly established in connexion with a similar case by Mr. de Castro, an eminent South American jurist and member of the International Court of Justice, who had affirmed that the interests of the population of the Territory were of paramount importance and that legal ties arising out of colonization could not obstruct the application of the principle of self-determination.

20. In its long history of decolonization activity, the United Nations had used more than one procedure to implement the principle of decolonization. The only indisputable point was that the people involved should itself decide the future of the Territory. His delegation therefore believed that the people of Belize should be able to exercise its right of self-determination, as it apparently wished to do, according to the statement made at the 2162nd meeting by the Premier of Belize. It also believed that the United Nations had no choice but to respond favourably to the wishes of the people of Belize, since that was the only way the Organization could remain faithful to the principles of its Charter.

21. The case of Belize was a serious anachronism, since it was a case in which, unlike other cases, the administering Power had categorically declared its readiness to respect the

right of the Territory's people to independence and self-determination and had taken some steps to implement that principle. The only obstacle lay in the territorial claims made by Guatemala. His delegation was not prepared to acquiesce in the sacrifice of the rights of the people of Belize in order to satisfy Guatemala's claims. Some Members seemed to distort the significance and objectives of General Assembly resolution 1514 (XV), relating to the Declaration on the Granting of Independence to Colonial Countries and Peoples; that Declaration referred only to the territorial integrity of colonial countries, not to that of countries that were already independent, which was a completely different matter.

22. His delegation deplored the situation existing in the area and the fact that it had to oppose the claims of a friendly country. It was disappointed at the draft resolution sponsored by Guatemala and other countries (A/C.4/L.1094), since it made hardly any reference to the rights of the people of Belize, and those rights were the ones that should be considered first and foremost, no matter what kind of solution was being sought. His delegation urged the countries of South America, particularly those which supported Guatemala, to understand that any action on their part which tended to legitimize Guatemala's unlawful claims in the question of Belize would do irreparable harm to the cause of justice and self-determination. He further stated that if the people of Belize wanted integration with Guatemala his delegation would have no objection to supporting that country's claims. He emphasized that the question must be decided by the people of Belize itself. The Premier of Belize had affirmed before the Committee that the people of the Territory wanted freedom and independence. His delegation therefore urged Guatemala and the other countries supporting it not to give any more cause for prolonging United Kingdom colonialism on the American continent.

23. Mr. GALINDO POHL (El Salvador) said that his country was a sponsor of the first of the two draft resolutions on the question of Belize (A/C.4/L.1094 and A/C.4/L.1096), in which the parties concerned were urged to undertake direct negotiations. In that connexion, General Assembly resolution 1514 (XV) was an instrument that could serve as a guide, provided that it was used equitably, since the case of Belize involved special features requiring discreet and intelligent use of the political and legal resources of the United Nations Charter. First of all, it was impossible to deny the existence of a centuries-old dispute about Belize and to start from the premise that there were merely "differences of opinion" between the United Kingdom and Guatemala; that would be a distortion of reality. The problem of Belize was far from simple, since both its origin and the existence of inconclusive and inadequate conventions and negotiations made it quite unusual. One of those conventions, that of 1859, was sufficiently ambiguous to enable the interested parties to find in its clauses grounds for their claims and reasons for disagreement. The international dispute over Belize demanded intelligence and a willingness to conciliate on the part of those involved, but the case should not be viewed in a partisan manner, nor should history be misrepresented.

24. Originally, the Kingdom of Great Britain had obtained from Spain a concession to exploit timber on the western

coast of the Gulf of Honduras, an area subject to internationally recognized Spanish sovereignty, which was now known under the name of Belize. When the Spanish-speaking peoples of the Americas had gained their independence between 1810 and 1824, the Republic of Central America had succeeded to Spain's rights to that Territory, and upon the demise of that Republic about 1839, Guatemala, as the successor State, had acquired those rights. El Salvador had officially recognized that situation through legislative decrees, presidential declarations and other official and semi-official manifestations. As a result of colonization, there existed currently in Belize a people which had its own customs and its own identity and was alien to the purposes and interests of those that had created the colonial enclave. The problem, then, was to decide between the territorial claim of Guatemala and the right of the Belizeans to their identity; under no circumstances could a solution be achieved by adopting extremist positions.

25. Although the question of Belize could be considered in the light of legal principles, the fact that it was a political dispute could not be disregarded, and it was impossible to deal with it by the purely mechanical application of any one principle. Furthermore, the dispute over Belize appeared to have become more acute recently and the immediate task was to relax the elements of tension so that fruitful talks could be held. Similarly, there could be no question of calling upon the interested parties to negotiate a prearranged solution, since that would create the legal curiosity of negotiations with predetermined results. El Salvador was extremely anxious for the Belize dispute to be solved, but solely by the means indicated by reason and law, namely, the peaceful means established in the United Nations Charter. It still seemed that the possibilities of an agreed solution between the parties were far from having been exhausted and that it would be possible to find a solution which respected the identity and the rights of the people of Belize. The best course of action for the United Nations would be, first, to offer the parties concerned the opportunity of establishing in a comprehensive manner, and with the appropriate assistance, the causes of their disagreement and to try to bring them to a friendly understanding. El Salvador fervently hoped that the parties would find common ground and would apply intelligently and fully General Assembly resolution 1514 (XV).

26. Mr. SANTAMARIA (Colombia) said that the question of Belize was one of the most important items being considered during the current year. His delegation felt that the exercise of self-determination was a basic principle of the life of nations and consequently the key to peace.

27. All the countries in the world were constantly on the alert in order to maintain their territorial unity and integrity; if that were not so, States might become fragmented as a result of political, social or economic events. Colombia had always opposed foreign interventionism in the solution of problems of frontiers, sovereignty and self-determination because it created tensions and artificial situations. During the current era it was almost anachronistic to mention interventionism or warlike threats by big Powers against weak ones. Force, insufficiently clear situations and intimidation were not instruments of international policy.

28. It was not clear to his delegation whether the self-determination invoked in the case of Belize conflicted with the territorial integrity of Guatemala; therefore it was essential to continue the talks so as to reach an agreement which respected the just aspirations of the people of Belize and the territorial rights of Guatemala. In the light of those considerations, Colombia had sponsored draft resolution A/C.4/L.1094.

29. He stressed the fact that all disputes between States should be solved by peaceful and legal means, since irreversible positions and increased tensions could endanger the harmony and peace of the peoples of America.

30. Finally, he appealed for prudence and an equitable and peaceful solution according to justice and law in Belize.

31. Mr. MARTINEZ ORDÓÑEZ (Honduras) said he was afraid that, if the question of Belize was put to the vote in the United Nations, it might provoke a more serious problem in the region. He noted that Belize used to be called "British Honduras" and that, although it had never been part of Honduras, it was linked to that country by ties of trade and neighbourly relations.

32. When the British Empire had laid its hands on Central America and established slavery there, the black slaves who succeeded in escaping found refuge on Central American territory, with the result that on various occasions the Governor of Belize had resorted to armed attacks on the pretext that runaway slaves were being harboured. In that connexion, he stressed that, by virtue of a treaty, Great Britain had returned to Honduras the Isles of Bahía, which it had previously seized, and it had been laid down that the religion and customs of the inhabitants of the islands should be respected. Thus even up to that time the inhabitants of the Isles of Bahía spoke English, a fact which showed that the peoples of Central America were not oppressors, an offence of which Guatemala had been accused.

33. Problems concerning the principles of self-determination and territorial integrity had occurred throughout the world and it might well be asked what role the United Nations should play in that respect. The Organization could not always impose the principles in question, since there were many variations on the problem.

34. In spite of the fact that Great Britain had occupied Belize, Honduras recognized that it was a Central American territory and that the area affected by that situation was Guatemala. However, Honduras was concerned about the people of Belize, which should be given the destiny appropriate to its dignity as a nation.

35. One could ask who had the right to speak for that people and the reply would be that that right belonged to Guatemala, as the owner of the territory, and to the Belizeans, as the people of the country. In no case did it belong to a foreign Power like the United Kingdom.

36. The people of Belize must negotiate with Guatemala, the legitimate owner of a Territory occupied by force by an invading colonial Power and the only solution was one which was acceptable to Guatemala and the population of

Belize. Fraternal countries of Central America could also take part in the negotiations.

37. There was no cause for a unilateral decision on the problem. Belize must find legitimate representatives to negotiate with the legitimate owners of the territory. If Guatemala was forced to accept the dismemberment of its territory without being able to express its views on the subject, an injustice would be committed against a country which was the champion of self-determination.

38. Mr. LESSA (Uruguay) said that there were two types of decolonization: the decolonization of peoples and the decolonization of territories. The first type of decolonization related to peoples who had lost their identity through occupation by colonizing Powers and the second type of decolonization related to countries placed under the colonial yoke as the result of an act of illegal occupation of a territory forming part of another. In the second case, which was that of Belize, his delegation did not consider that the principle of self-determination was the best one to follow.

39. Since the time of the Dumbarton Oaks Conference in 1944, Uruguay had urged the maintenance of political independence and territorial integrity and the rights inherent in full sovereignty. Uruguay had reached the conclusion that Belize had belonged and still belonged to the State of Guatemala, so that a settlement could not be based on the principle of self-determination but rather on an understanding reached by Guatemala with the occupying Power.

40. Reviewing the Spanish occupation of Central America, he recalled that in 1763 Spain had granted England a concession to remove timber and that, when Central America had gained its independence in 1821, Spain held incontestable rights over Belize, recognized by England. Guatemala inherited the right of sovereignty over the Territory of Belize because Spain already held legal possession which was fully valid. Those rights were based on the principle of *uti possidetis juris*.

41. On 30 April 1859, Guatemala and the United Kingdom had signed the boundary Convention, in which Belize was ceded to Great Britain in exchange for compensation. The legal justification for the Convention was for each party to obtain the benefit or advantage derived from the fulfilment of the obligation of the other. Hence, since one of the clauses of the Convention remained unfulfilled, it had become invalid following the claims made by Guatemala over a period of 80 years to obtain the benefit considered essential for the fulfilment of the Convention.

42. He then read out a note addressed in 1939 by the then Chancellor of Mexico to the Secretary for Foreign Relations of Guatemala, which, *inter alia*, observed that Great Britain adduced rights of sovereignty over the Territory of Belize and that Great Britain did not possess those rights on the basis of the Treaty of Versailles and the Convention of London, signed with Spain in 1783 and 1786 respectively, because in those treaties such rights were expressly reserved and Great Britain was given only concessions for the exploitation of timber. Great Britain did not possess those rights up to the signing of the boundary Convention of 1859 and it was surprising that, by acquiring those rights on

that occasion, Great Britain had not consolidated its title to them by fulfilling the minor obligation imposed by the compensation clause in that Convention.

43. For those reasons, Uruguay would vote for draft resolution A/C.4/L.1094, of which it was a sponsor, and draft resolution A/C.4/L.1102, and regretted that it could not vote for draft resolution A/C.4/L.1096.

44. Mr. SKINNER KLEE (Guatemala), speaking on a point of order, expressed his dissatisfaction with the short-comings of the interpretation into English of the statements made in Spanish at the current and preceding meetings.

45. The CHAIRMAN said that the point raised by the representative of Guatemala would be drawn to the attention of the Secretariat.

AGENDA ITEM 87

Question of Namibia (*continued*) (A/9998-S/11598, A/10023/Add.3, A/10024 (vols. I and II), A/10050-S/11638, A/10229, A/C.4/784/Add.2, A/C.4/L.1097-1100)

CONSIDERATION OF DRAFT RESOLUTIONS (*continued*)

46. The CHAIRMAN drew attention to documents A/C.4/L.1099 and A/C.4/L.1100 which set out the administrative and financial implications of draft resolutions A/C.4/L.1097 and A/C.4/L.1098, respectively.

The meeting rose at 1.10 p.m.

2165th meeting

Tuesday, 11 November 1975, at 3.20 p.m.

Chairman: Mrs. Famah JOKA-BANGURA (Sierra Leone).

A/C.4/SR.2165

AGENDA ITEM 87

Question of Namibia (*continued*) (A/9998-S/11598, A/10023/Add.3, A/10024 (vols. I and II), A/10050-S/11638, A/10229, A/C.4/784/Add.2, A/C.4/L.1097-1100)

HEARING OF PETITIONERS (*concluded*)*

1. The CHAIRMAN reminded the Committee that, in connexion with the request for a hearing (A/C.4/784/Add.2) received from the South West Africa National Union (SWANU), it had been agreed that a representative of SWANU should be invited to make a statement in connexion with the Committee's consideration of draft resolutions on the question of Namibia. She therefore called upon Mr. Kasume, of SWANU, to address the Committee.

At the invitation of the Chairman, Mr. David V. Kasume, representative of the South West Africa National Union, took a place at the Committee table.

2. Mr. KASUME (South West Africa National Union) expressed gratitude for the assistance given by the President of the United Nations Council for Namibia and by the United Nations Commissioner for Namibia and his staff to the cause of the Namibian people and for the support shown by sympathetic delegations.

3. Since September 1974, South Africa had been attempting to disguise the true nature of its intentions towards

Namibia while engaging in a campaign of terror against the Namibian people. The Vice-President and the Secretary for Foreign Affairs of SWANU and other members of the movement had recently been the victims of acts of terrorism, but the illegal South African administration had taken no action against the perpetrators, who were known tribal hooligans of one of the so-called true and authentic leaders.

4. South Africa had claimed that it was ready to withdraw from Namibia if the people of the country so desired, and that it was taking steps to allow the people to decide their own future without outside interference. There was no doubt, however, that South Africa was not only illegally occupying Namibia, but also interfering with the democratic political activities of Namibians. The Chairman of the Namibia National Convention (NNC) and his colleagues had recently been arrested by the Special Branch of the South African police, their only crime being their expressed opposition to *apartheid* and to the so-called constitutional conference currently being held at Windhoek. They had not been charged, and after a few weeks of solitary confinement they had been released without apology for wrongful detention. While such atrocious acts were being perpetrated, some delegations were stating in the United Nations that South Africa was genuinely looking for a peaceful solution to the problem of Namibia.

5. SWANU and NNC had always realized that South Africa was trying to divert attention from its true intentions, which were to create another situation similar to that in Southern Rhodesia, with political and economic power in the hands of the white minority settlers and their willing

* Resumed from the 2156th meeting.