



SUMMARY RECORD OF THE 14th MEETING

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later: Mrs. KING-ROUSSEAU (Trinidad and Tobago)

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- (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

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 36: QUESTION OF NAMIBIA (continued)

Hearing of petitioners (A/C.4/41/4/Add.5)

1. The CHAIRMAN reminded the Committee that it had decided to grant the request for a hearing on the question of Namibia contained in document A/C.4/41/Add.5.
2. At the invitation of the Chairman, Miss McDougall (Lawyers' Committee for Civil Rights under Law) took a place at the petitioners' table.
3. Miss MCDOUGALL (Lawyers' Committee for Civil Rights under Law) said that the Lawyers' Committee had established the Southern Africa Project in 1967 in response to urgent requests for assistance in human rights cases in South Africa and Namibia. Since then, it had been involved to some degree in every major political trial in the two countries.
4. In 1985, in a blatant move to continue its illegal occupation of Namibia, South Africa had installed in that Territory a puppet "Interim Government" with no validity under international law. The taint of illegitimacy also extended to the judicial process in Namibia, yet the courts were daily making determinations that affected the lives of Namibians. In that situation, human rights lawyers and organizations had sought redress for abuses and defended political activists in the courts.
5. Certain recent political trials gave important insights into the status of human rights in Namibia. One major trial had been the case State v. Franz Angula and Six Others in which the accused had been charged with alleged acts of sabotage and communist activities under the Internal Security Act of 1950 and the Terrorism Act of 1967, both of which had been repealed in South Africa but not in Namibia. The defence had maintained that both Acts contravened the provisions of the Bill of Fundamental Rights and Objectives, enacted in 1985 when the so-called Interim Government had been established, which precluded prosecution of any previous violation of laws which the Bill rendered unconstitutional. Although the South West Africa Supreme Court had not accepted the defence argument, ruling instead that all laws that predated the Bill of Rights were valid until repealed, a partial victory had been scored in the sentencing phase when the defendants had been sentenced not to death but to terms ranging from 5 to 16 years.
6. Moreover, a stunning reversal of the Angula case had just been won that very week from the Supreme Court when, in a ruling on the State v. Andreas Haita and Seven Others case, it had struck down a provision of the Terrorism Act because it violated the right to a fair trial set forth in the Bill of Rights and had held that existing laws in Namibia were indeed subject to the limitations set forth in the Bill of Rights. The Haita case was the first time that the Bill of Rights had been invoked to strike down any offensive legislation in Namibia.

(Miss McDougall)

7. Her organization's written statement made available to the Committee detailed at least three other pending cases which represented significant challenges to the effect in law of the Bill of Rights and which raised embarrassing questions as to the contradiction between the apartheid Government's proclamations on human rights and the reality. She preferred to focus on the response of the South African Government to that litigation, however.

8. In September 1986, President Botha had amended Proclamation No. R.101 establishing the legislative and executive powers of the so-called Interim Government, in order to make it impossible to test in the Namibian courts acts enacted by the South African Parliament in violation of the Namibian Bill of Rights. Significantly, most of the draconian security legislation applicable to Namibia was contained in acts of the South African Parliament.

9. Various South African and Namibian laws granted immunity from civil or criminal responsibility for "good faith" actions on the part of the South African Defence Forces, who regularly committed atrocities in dealing with the Namibian people. The Pretoria régime had made frequent use in recent times of the particularly draconian Section 103ter of South Africa's Defence Act, which authorized the South African President to grant immunity, without being subject to judicial review, for actions performed in the "national interest". Section 103ter had first been used in 1984 to terminate legal action brought against the South African occupation Forces in the Kauluma case involving over 100 Namibians held illegally and incommunicado in a military detention camp for over six years. Although the filing of that litigation, under the sponsorship of the Southern Africa Project, had brought considerable international pressure to bear on South Africa, and the captives had eventually been released, the Government had invoked Section 103ter to terminate the proceedings. In 1985, President Botha had again invoked Section 103ter to terminate the trial of four white South African Defence Force members charged with murder in the Upota case, an intervention which had been denounced even by the normally conservative South West Africa Bar Council.

10. Such statutory immunity and executive intervention in the judicial process had intolerable consequences: it gave rise to the dangerous conviction among security forces that they were beyond the law; it denied their victims any judicial redress; and it destroyed any semblance of an independent judiciary. The efforts of the South African Government to circumscribe further the already highly restricted avenues of judicial review available to Namibians belied the claims of the independence of the "Interim Government". Litigation in the South African-controlled courts in Namibia was primarily a defensive action, with limited prospects for bringing about fundamental change.

11. The principal threat to the human rights of the Namibian people was the continued occupation of Namibia by a colonialist South African Administration. Thus, the most critical need at the present time was continued international pressure for the immediate implementation of Security Council resolution 435 (1978) and the enforcement of Decree No. 1 of the Council for Namibia. In addition, the possibility should be investigated of establishing a municipal "court system in exile", which would serve to highlight human rights abuses and establish responsibility for them, under the auspices of the Council for Namibia.

/...

(Miss McDougall)

12. The Lawyers' Committee, for its part, would continue to study ways of enforcing Decree No. 1 in the United States courts and would undertake a national educational campaign for passage of a proposed bill making Decree No. 1 part of United States domestic law. At the same time, it would continue to provide financial support and research assistance to attorneys in Namibia who were defending the rights of political detainees and challenging security legislation.

13. Miss McDougall (Lawyers' Committee for Civil Rights under Law) withdrew.

AGENDA ITEM 19: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued) (A/41/23 (Parts IV and Corr.1 (English only), VI and VIII), 168 and Corr.1, 332, 341 and Corr.1, 349, 367, 372, and Corr.1-2, 373, 375, 420, 435, 444, 478, 485, 673; A/C.4/41/L.2, L.4; A/AC.109/848-857, 858 and Corr.1, 859-868, 873 and Corr.1, 874 and Corr.1-2, 877 and Add.1)

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

AGENDA ITEM 104: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/41/23 (Part IV and Corr.1 (English only)), 641

- (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
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AGENDA ITEM 106: 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/41/23 (Part IV and Corr.1 (English only)), 341 and Corr.1, 407 and Add.1; A/AC.109/L.1600; E/1986/114)

- (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
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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/41/3 (chapters I, VI and IX))

AGENDA ITEM 107: UNITED NATIONS EDUCATIONAL AND TRAINING PROGRAMME FOR SOUTHERN AFRICA: REPORT OF THE SECRETARY-GENERAL (continued) (A/41/678; A/C.4/41/L.3)

AGENDA ITEM 108: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES: REPORT OF THE SECRETARY-GENERAL (continued) (A/41/664 and Add.1)

Draft resolution

14. The CHAIRMAN drew attention to the draft resolution on agenda item 107 contained in document A/C.4/41/L.3 and announced that Costa Rica, Liberia, Mali and Zambia had become sponsors.

15. Mr. VRAALSEN (Norway), introducing draft resolution A/C.4/41/L.3 in his capacity as Chairman of the Advisory Committee of the United Nations Educational and Training Programme for Southern Africa, said that some 30,000 applications for scholarships had been received since the Programme had been established, illustrating the need for it. Close to 6,000 scholarship recipients had completed studies in a wide variety of disciplines all over the world. As the report in document A/41/678 showed, the Programme's primary concern was to assist students from South Africa and Namibia, in the hope that the people of those countries would soon enjoy the full range of civil, political and social rights and in the recognition that trained young people would be a critical factor in a post-apartheid South Africa and a free and independent Namibia.

16. Thanks to the measures taken to increase cost effectiveness in the past year, the number of students sponsored under the Programme had increased from 929 in 1985 to 1,109 in 1986, and the Programme was expected to develop still further because Member States were becoming more responsive to the educational needs of young South Africans and Namibians. The Programme had also been able to expand its activities at minimal cost thanks to the co-financing arrangements that were part of its increased co-operation with a number of international agencies, as described in the report.

17. He thanked the countries which had provided funds, places in their universities and technical institutes, and counselling services and job opportunities under the Programme. He appealed to all Member States to continue to provide generous assistance to the Programme, and to support the draft resolution.

General debate

18. Mr. ARNOUSS (Syrian Arab Republic) said that the Declaration on the Granting of Independence to Colonial Countries and Peoples had asserted the inalienable rights of all peoples to self-determination and independence, in accordance with the Charter and with General Assembly resolution 1514 (XV). The Special Committee on decolonization established under that resolution, of which his country was a member, had worked to achieve decolonization to the extent possible. The stage had now been reached where the remaining dependent Territories could be expected to achieve their independence shortly.

19. Namibia was now the main colonial problem. His Government's position on the question was reflected in document A/41/614.

(Mr. Arnouss, Syrian Arab Republic)

20. The Syrian Arab Republic also called for the application of the Declaration to the remaining Non-Self-Governing Territories and hoped that administering Powers would continue to meet their obligations, particularly the responsibility to create such conditions in the Territories as would enable their people to exercise freely and without interference their inalienable right to self-determination and independence, and the responsibility to further their social and political development. Visiting missions dispatched by the United Nations had ascertained the situation in the various small Territories and such missions were an effective means of apprising the General Assembly of the progress that had been achieved towards self-determination and independence.

21. The implementation of the Declaration on decolonization by the specialized agencies and international institutions associated with the United Nations required that the latter take action in two areas: they should provide assistance, in co-ordination with regional bodies, to the inhabitants of dependent Territories and their liberation movements in order to ensure all their rights, including those of independence and self-determination and social and political development; and they should work to implement United Nations resolutions concerning régimes such as South Africa which had challenged the will of the international community. It should be noted that the International Monetary Fund had continued its close co-operation with South Africa despite resolutions seeking to isolate the régime.

22. The right of self-determination and independence had been reiterated in General Assembly resolutions on Western Sahara, including resolutions 39/40 and 40/50. According to resolution 40/50, the question of Western Sahara was a question of decolonization which remained to be completed on the basis of the exercise by the people of their inalienable right to self-determination and independence and the solution of that question lay in the implementation of resolution AHG/Res.104 (XIX) of the Assembly of the Heads of State and Government of the Organization of African Unity, which established the means for a just political solution to the conflict. His delegation had taken note of the results of the Secretary-General's good offices, as reported in document A/41/673, and of the efforts of the current OAU Chairman. The two parties involved were still far from agreement, especially regarding arrangements for a cease-fire and conditions for holding a referendum, and should both be more flexible. His country supported the conclusions reached on the question of Western Sahara at the eighth Conference of Heads of State or Government of Non-Aligned Countries. It was a co-sponsor of draft resolution A/C.4/41/L.2, which contained elements for reaching a settlement. It expressed its solidarity with all peoples struggling for freedom and independence.

23. Mr. HELLER (Mexico) said that, although decolonization had been one of the main achievements of the United Nations, it was not yet complete. The current situation, characterized by the persistence of colonialism and efforts by some countries to weaken the multilateral system, had become even more difficult and complex. Paralysis of the multilateral system would in fact help to perpetuate colonial systems and allow neo-colonialism to develop. Decolonization was a process which did not end when people attained independence but only when they had

(Mr. Heller, Mexico)

shaped their national identity and were able to exercise fully their right to self-determination.

24. All States must intensify their efforts to prevent the existence of situations such as that of Namibia. Mexico, which was a member of the Council for Namibia, had condemned repeatedly the illegal occupation of that Territory by racist South Africa. In particular, it rejected any linkage of the independence of the Territory and the implementation of Security Council resolution 435 (1978) with such irrelevant and extraneous issues as the withdrawal of Cuban troops from Angola, and insisted on the urgent need to impose comprehensive mandatory sanctions against South Africa. It also renewed its commitment to and support for the people of Namibia and their sole authentic representative, the South West Africa People's Organization (SWAPO). The so-called strategic interests involved in the confrontation between the super-Powers must no longer be allowed to prevent the Namibian people from exercising their inalienable rights.

25. It was disappointing that there had been no progress towards a negotiated settlement of the problem of the Malvinas. His delegation reiterated its support for Argentina's claim to sovereignty over the Islands and once again urged the parties to implement the relevant United Nations resolutions as soon as possible.

26. With regard to Western Sahara, his country had recognized the Government of the Saharan Arab Democratic Republic in 1979 on the basis of the fact that, in its advisory opinion, the International Court of Justice had found no ties of territorial sovereignty between Western Sahara and the Kingdom of Morocco or any other State. The Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) must enter into direct negotiations urgently, in accordance with resolution AHG/RES.104 (XIX) of the Organization of African Unity and General Assembly resolution 40/50.

27. Certain remarks made in the Committee concerning the inclusion of certain items in its agenda and the usefulness of the debate on those items were simply a reflection of the absence of significant progress in the decolonization process. The United Nations must take action in those cases where administering Powers had not discharged their obligations under the Charter and General Assembly resolution 1514 (XV), and must redouble its efforts to eradicate all vestiges of colonialism.

28. Mr. MARTINEZ (Panama) said that, although more than a hundred States had become independent since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples in 1960, the decolonization process was not complete. Great-Power rivalry had been obstructing decolonization and that situation was aggravated further by the activities of transnational corporations and by increased military activities in colonial Territories. Were it not for the colonial Powers' insistence on maintaining the economic privileges of their large monopolies and preserving strategic bases in order to prop up their hegemonistic policies, Namibia and the other dependent Territories would already be free from colonial domination and exploitation.

(Mr. Martínez, Panama)

29. South Africa's obstinate refusal to withdraw from Namibia posed a threat to international peace and security. His country reaffirmed its unequivocal condemnation of the racist Pretoria régime for both its illegal occupation of Namibia and its policy of apartheid. It appealed to the foreign Powers with ties in the region to abandon their strategic military interests and use their political influence to enable the people of Namibia to exercise their right to self-determination, political independence and territorial integrity. South Africa and its allies must abandon their artificial linkage of the implementation of the United Nations plan for Namibia with extraneous issues.

30. The 1977 Panama Canal Treaties between Panama and the United States of America had reinforced his country's faith in dialogue and negotiations as the best means of settling international disputes. It therefore urged the Governments of Argentina and the United Kingdom to enter into negotiations with a view to finding a peaceful solution to the problem of the Malvinas, which belonged historically and geographically to the Argentine people. It also hoped that the people of New Caledonia would be allowed to exercise their right to self-determination and independence.

31. The only solution with regard to Western Sahara was for the Saharan people to decide their own future by means of a referendum. He welcomed the efforts made by the Organization of African Unity and the United Nations, in accordance with resolution AHG/RES.104 (XIX) of the Organization of African Unity and General Assembly resolution 40/50, and urged the parties to the conflict to take the necessary political decisions to initiate the peace process. His country had been the first Latin American country to recognize the Government of the Saharan Arab Democratic Republic and would continue to support the Saharan people in their just struggle for independence, self-determination, freedom, sovereignty and territorial integrity.

32. Mr. GRIEGER (German Democratic Republic) said that, as the general debate showed, it was important to keep the question of small Territories on the agenda since consideration of their problems within the United Nations often represented the only hope for their peoples to enjoy a future of freedom and human dignity.

33. The situation with regard to most of the 18 areas still on the list of dependent Territories did not give much cause for hope. So-called mother countries did their utmost to maintain the colonial status of those Territories by prohibiting political activities there and attempting to convince world public opinion that the Territories were prospering under the care of the administering Power. Fortunately, the hearings of petitioners and the work of the Special Committee on decolonization and shed some light on the real situation in those Territories, including the widespread exploitation of natural resources and the gross disregard for the social and economic interests of native populations. In the case of Micronesia, for example, the administering Power, which was aiming to annex the islands, not only exploited the Territory economically but also used it to safeguard its military interests in the region. Thousands of people had been driven from their homes to make way for United States military installations.

(Mr. Grieger, German
Democratic Republic)

34. In an attempt to legalize the annexation of Micronesia under international law, Western representatives in the United Nations Trusteeship Council had forced the Council at its fifty-third session to adopt a resolution aimed at cancelling the Trusteeship agreement, in violation of the Charter and of the Declaration on decolonization. Any change in the status of a strategic Trust Territory was subject to a decision by the Security Council but, in the present case, attempts would be made to bypass that body. The United Nations must therefore take action to protect the interests of the Micronesian people by remaining responsible for the Trust Territory until it had attained genuine and complete independence.

35. The efforts made by the United Nations to eradicate colonialism, racism and apartheid were complemented by the activities of many of the United Nations specialized agencies. The International Monetary Fund (IMF), however, although also a specialized agency, was helping to keep the apartheid régime alive and to perpetuate the sufferings of the peoples of South Africa, Namibia and neighbouring States. It was a matter of great concern to his delegation that the Fund was prepared to extend a further \$1 billion to Pretoria. Immediate efforts must be made to put an end to such a loan.

36. Mr. OSNATCH (Ukrainian Soviet Socialist Republic) said that the imperialist States were obstinately holding on to their remaining dependent Territories not, as they alleged, because of the Territories' small size and population, but because of their own determination to exploit them for both economic and military purposes. Micronesia was a prime example of that situation.

37. Mr. CHACON (United States of America), speaking on a point of order, said that the question of Micronesia was not before the Committee and was being discussed in other more appropriate bodies. He therefore asked the speaker to confine himself to matters on the agenda.

38. Mr. OSNATCH (Ukrainian Soviet Socialist Republic) said that the question of Micronesia had been dealt with in the Special Committee on decolonization and was referred to in such documents as A/41/23 (Part VI) and A/AC.109/868, which were before the Fourth Committee. In Micronesia, the United States was violating the Charter of the United Nations and the Trusteeship agreement in order to pursue its own selfish interests.

39. Mr. CHACON (United States of America), speaking on a point of order, said that he must again ask the speaker not to depart from the Committee's agenda and not to deal in a distorted manner with matters not within the Committee's purview.

40. Mr. OSNATCH (Ukrainian Soviet Socialist Republic) said that, in violation of its Trusteeship responsibilities, the United States was not only keeping Micronesia depressed economically but was also masking its own efforts to maintain full political hegemony there under the guise of "free association" and "commonwealth" agreements that gave Micronesia no more than a semblance of statehood. United States military activity in Micronesia, which not only impeded decolonization but also threatened the security of the region, was especially alarming. In pursuit of

(Mr. Osnatch, Ukrainian SSR)

its own strategic interests, the United States Government was trying to replace the Trusteeship with colonial-type agreements so as to end all United Nations control over its actions. Only the Security Council could change the status of Micronesia, however, and until Micronesia had achieved the self-determination and independence recommended by the Special Committee on decolonization and the non-aligned countries, the United Nations must continue to take responsibility for it.

41. The international situation was being adversely affected by the military activity of the imperialist Powers and their military blocs aimed at preserving the colonial dependency of Guam, Puerto Rico, Diego García, the Falkland Islands (Malvinas) and other Territories. The small colonial Territories were no exception where the right to self-determination was concerned and the Declaration on the Granting of Independence to Colonial Countries and Peoples was still relevant and universally applicable. It was the duty of the United Nations to implement the inalienable right of all peoples to self-determination, freedom and independent development.

42. MR. MORTIMER (United Kingdom) said that 49 members of the United Nations had at one time or another in the past been administered by the United Kingdom. The vast majority had acceded to independence and almost all of them had chosen to continue their bonds of friendship and co-operation through the Commonwealth. The main decisions on the future of British Territories had been made soon after the Second World War and the largest Territories had in fact been decolonized long before General Assembly resolution 1514 (XV) had been conceived. Fifteen dependent and Trust Territories, including what were now India, Pakistan, Nigeria and Malaysia, with a combined population in 1986 of about one billion people, had become independent before December 1960. The fundamental principle guiding the granting of independence to British colonial Territories and peoples had been and continued to be that the wishes of those peoples must be expressed freely through their own political processes and that constitutional changes should be made to the extent that they sought it and at the pace they preferred.

43. A number of British small island Territories had chosen to retain their dependent status, and their resources were such that special care had to be taken in preparing them for the challenge of independence. Each Territory had its own political life and its own well-established democratic procedures. Each would make its own decision about its best constitutional status at its current stage of development. It was not for the United Kingdom, still less the United Nations, to tell any dependent Territory what would be the most appropriate constitutional arrangement for any people.

44. Pursuant to its obligations under the Charter to promote constructive measures of development and to ensure the economic and social advancement of non-self-governing peoples, the United Kingdom had given its dependencies a prior claim to bilateral aid funds, with the result that United Kingdom aid to its dependencies currently represented about 6 per cent of the country's total bilateral aid to the developing world and that, in some instances, the level of per capita aid was many times greater than the average level of aid to independent countries.

(Mr. Mortimer, United Kingdom)

45. Another obligation of administering Powers under the Charter was to protect citizens of Non-Self-Governing Territories against abuses, including armed invasion, as had happened on one occasion in 1982, and in the area of drug trafficking and its associated violence and terrorism which, if not checked, could clearly threaten the social and political fabric of all countries including, in particular, small defenceless Non-Self-Governing Territories.

46. In the view of his delegation, United Nations decolonization machinery had not adapted to the momentous changes which had taken place over the past 40 years. It was still an underlying assumption in many debates that, if the peoples of the remaining Non-Self-Governing Territories had not yet chosen independence, it was because something was amiss in the attitude or actions of the administering Power or because colonial peoples were ignorant or unenlightened. The tendency to treat Non-Self-Governing Territories in the same manner as earlier cases of decolonization carried with it two dangers: first, the real concerns of small island communities might be lost sight of and possibly harmed by conclusions drawn from erroneous theories; second, the prestige and effectiveness of the United Nations, in particular, its standing in the eyes of the international community might be damaged.

47. Much of the current perception of colonialism and decolonization was prompted by a painful awareness of the evils of apartheid and the injustice of the situation in Namibia. Apartheid was not, however, a manifestation of colonialism but rather a shameful abuse of human rights. Moreover, the situation in Namibia was unique and special machinery had been set up at the United Nations to deal with it. Failure to distinguish properly between the situation in one Territory, such as Namibia, and the quite different circumstances in other Non-Self-Governing Territories could ultimately only bring discredit to the United Nations and, perhaps more seriously, alienate many inhabitants of Non-Self-Governing Territories whose interests all were seeking to uphold.

48. The British Empire no longer existed in the form envisaged by some speakers. Other empires had replaced it. If independence and colonialism were to be discussed in a manner relevant to the 1980s, it was essential to look at current problems, not those of the past.

49. With reference to the statement by a petitioner regarding recent developments in the Turks and Caicos Islands, the Territory's Governor had, earlier that year, appointed an independent Commission of Enquiry to investigate allegations of arson, corruption and related matters. The Commission had discovered a range of serious administrative malpractices affecting the conduct of government in the islands and as a consequence, the Constitution of the Turks and Caicos Islands had been amended and the Executive Council replaced by an appointed Advisory Council. That decision had been taken solely in the interests of the good administration of the Islands and the move had been generally welcomed in the Turks and Caicos Islands and received sympathetically by Caribbean Governments. The United Kingdom Government had subsequently appointed a Constitutional Commission to review the Constitution and to make recommendations for the future. That Commission would

(Mr. Mortimer, United Kingdom)

start work in November and it was hoped that a new constitution might be introduced early in 1987. There was no question of the Constitution having been suspended, as the petitioner had implied, or the right to vote being taken away. The inhabitants of the Turks and Caicos Islands continued to have a voice in the administration of the Territory through an elected assembly, the Legislative Council.

50. Mr. RIANOM (Indonesia) said that Indonesia had always attached the utmost importance to the struggle against colonialism, and the country's commitment to global emancipation had been reflected fully in the 1945 Constitution. Since then, the achievement of the inalienable right to self-determination and independence of colonial peoples had been a principal objective of Indonesia's foreign policy.

51. During that period, the number of colonial Territories had been considerably reduced. Of all the remaining situations of decolonization, the most intractable were to be found in southern Africa, where millions of black Africans in South Africa and Namibia continued to be victimized by the most virulent form of human degradation and colonial exploitation. As a member of the Council for Namibia, his delegation wished to emphasize the need to intensify further all possible moral, political and material support for the Namibian people, under the leadership of its national liberation movement, SWAPO. The international community must also continue to make every effort to achieve the total isolation of racist South Africa through the imposition of comprehensive mandatory sanctions, until Namibian independence and the total eradication of apartheid in South Africa had been secured.

52. The question of Palestine could not be dissociated from the colonial context either, as millions of Palestinians remained deprived of the right to return to their homeland and the right to self-determination and independence in their own State. The international community was duty bound to achieve a just solution to that question, which remained at the core of the Middle East conflict.

53. The remaining small colonial Territories in the Caribbean, the Atlantic and the Pacific continued to be beset by diverse and often complex problems. One of the main findings of the Special Committee's report, which was applicable to virtually all the Territories, was the precarious situation of their economies, many of which lacked even a basic infrastructure. Those Territories continued to furnish examples of colonialism's worst attributes, including the exploitation and depletion of natural resources, the absence of development programmes aimed at diversification of the economic base, and the maintenance of military bases and facilities. His delegation believed firmly that the emancipation of colonial peoples must be carried out in accordance with the expressed will of the majority of the population of the Territory concerned.

54. Indonesia appreciated fully the importance of such programmes as the United Nations Educational and Training Programme for Southern Africa and the programme concerning offers of study and training facilities for inhabitants of Non-Self-Governing Territories. Such programmes were an essential element in ensuring that the peoples of Namibia, South Africa and all colonial Territories

(Mr. Rianom, Indonesia)

would be ready to assume the responsibilities that would come with national emancipation. Indonesia would continue to contribute to the programmes and stood ready to extend within its capabilities, facilities, scholarships, technical training and other forms of assistance.

55. Mr. THEUAMBOUNMY (Lao People's Democratic Republic) said that, despite the progress achieved in the decolonization process since the adoption of General Assembly resolution 1514 (XV), colonialism had still to be eliminated completely and billions of people still lived under the colonial yoke.

56. The most striking example of that situation was Namibia where, despite countless resolutions and decisions of the General Assembly and the Security Council, the racist Pretoria régime continued to consolidate its illegal occupation and the indigenous people had yet to exercise their basic national rights in their own country. With the support of certain Western countries, the Pretoria régime had extended its apartheid policy to Namibia through a process of brutal repression, assassination, torture and mass arrests. Moreover, its continued acts of State terrorism against the front-line States posed a serious threat to international peace and security.

57. The only possible solution to the Namibian problem was an end to South Africa's illegal occupation of the Territory, the withdrawal of Pretoria's armed forces, and the exercise by the people of Namibia of their right to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and Security Council resolution 435 (1978). In that connection, his delegation rejected the policy of "constructive engagement" pursued by one imperialist super-Power and condemned the support given to Pretoria by certain Western and other countries. It also condemned any effort to link Namibian independence with the withdrawal of Cuban internationalist forces from Angola. Those were simply pretexts for delaying implementation of the plan for Namibian independence. His delegation therefore associated itself with the international community's call for the adoption of comprehensive mandatory sanctions against the racist Pretoria régime under Chapter VII of the Charter.

58. With regard to the small Territories of the Pacific, Atlantic, and Indian Oceans and the Caribbean, the administering Powers had not only refused to transfer power to the populations of those Territories, but had even, in some cases, attempted to annex them through various procedural subterfuges. The Lao people supported the courageous struggle of the peoples of those Territories for real independence.

59. His delegation welcomed the contribution made by a number of specialized agencies to the implementation of the various General Assembly resolutions on decolonization. It noted with regret, however, that certain agencies, which were manipulated by Western countries, for instance the World Bank and the International Monetary Fund, continued to maintain ties with South Africa and to provide it financial and economic aid, thereby encouraging the régime to pursue its aggressive, racist and destabilizing policies in South Africa and Namibia and against the front-line States and other neighbouring independent countries.

60. Mr. BOGDANOV (Byelorussian Soviet Socialist Republic) said that, under the Declaration on the Granting of Independence to Colonial Countries and Peoples, the peoples of small colonial Territories had the same unconditional right to independence and freedom as any other colonial Territory. The reports of the Special Committee on decolonization, however, showed clearly that administering Powers were doing their utmost to negate that right by imposing new forms of colonialism on those Territories, keeping them politically and economically dependent.

61. The situation was particularly serious in Micronesia where the United States, instead of fulfilling its mandate of preparing the Territory for independence, had made the territory increasingly dependent by allowing its economy to deteriorate while using it for military purposes. There was a marked contrast between the living standards of the United States military personnel stationed in Micronesia and the indigenous population, some of whom had been virtually confined to ghettos through forced resettlement under unhealthy conditions.

62. The people of Micronesia had called on the United Nations for help against United States neo-colonialist action aimed at annexing the Trust Territory under the transparent guise of "commonwealth" or "free association" arrangements voted on in manipulated, if not always successful, plebiscites and referendums. By violating Micronesia's territorial integrity, the United States was ignoring the wishes of the General Assembly and violating the Declaration on the Granting of Independence to Colonial Countries and Peoples. United States action in Micronesia was unlawful and contrary to the Charter and the United Nations must bear responsibility for that Territory until it achieved genuine self-determination and independence.

63. In the light of the foregoing, his delegation supported the recommendations contained in the report of the Special Committee on decolonization (A/41/23 (Part VI)).

64. Mr. GARCIA-BIELSA (Cuba), speaking in exercise of the right of reply, expressed regret that the United States representative had impeded the Committee's work by objecting to references to Puerto Rico.

65. Mr. CHACON (United States of America), speaking on a point of order, said that it was the United Nations position that Puerto Rico was not on its agenda or on its list of Non-Self-Governing Territories and that the Territory in question should not therefore be discussed at the current meeting.

66. The CHAIRMAN asked the representative of Cuba to keep that point in mind.

67. Mr. GARCIA-BIELSA (Cuba) said that his delegation merely wished to reply to a number of falsehoods raised by a representative who was impeding the Committee's work. The question of Puerto Rico had been dealt with by the Special Committee on decolonization and he had a right to discuss it. The representative of a country that had been an aggressor in the Caribbean region for 150 years now could not make Cubans forget the lessons of history. That representative had questioned Cuba's status as a free and independent people because it refused to bend to the will of

(Mr. Garcia-Bielsa, Cuba)

reactionary United States imperialism. As part of their struggle for independence, Cubans had for many years fought against a bloody dictatorship supported by the United States. With the help of mercenaries, the United States still aided dictatorships all over the world. A United States agent has been captured recently in Nicaragua.

68. Mr. CHACON (United States of America), speaking on a point of order, asked the Chairman to remind the representative of Cuba that the question of Puerto Rico was not on the agenda.

69. The CHAIRMAN asked the representative of Cuba not to depart from the agenda.

70. Mr. GARCIA-BIELSA (Cuba) observed that the United States had not participated in the deliberations of the Special Committee on decolonization, which had drafted a resolution on Puerto Rico.

71. Mr. CHACON (United States of America), speaking on a point of order, said that he wished to reiterate as strongly as possible his comment concerning references to Puerto Rico, and asked the Chairman once more to enlighten the representative of Cuba concerning the agenda. Moreover, his delegation had in fact participated in the work of the Special Committee on decolonization.

72. The CHAIRMAN asked the representative of Cuba to abide by the agenda.

73. Mr. GARCIA-BIELSA (Cuba) said that the Special Committee on decolonization, whose report was before the Fourth Committee, had heard many petitioners from Puerto Rico who had expressed their objection to the dependent status of the island and to the repression of its patriots fighting for self-determination. Cuba shared a history of resistance to a common imperialist enemy with Puerto Rico and naturally supported its aspirations to self-etermination. He also urged the United States to grant self-determination to its own Afro-American and Hispanic citizens and to its native Indian citizens, who had been forcibly deprived of their lands.

74. Mr. Gbeho (Ghana) resumed the Chair.

75. Mr. CHACON (United States of America), speaking in exercise of the right of reply, again asked those delegations that had done so not to discuss matters that were not on the agenda.

The meeting rose at 1.20 p.m.