



SUMMARY RECORD OF THE 12th MEETING

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The meeting was called to order at 3.20 p.m.

REQUESTS FOR HEARING (A/C.4/41/Add.9, A/C.4/41/7)

1. The CHAIRMAN informed the Committee that he had received two requests for hearing concerning the question of Namibia (A/C.4/41/Add.9) (agenda item 36) and the Turks and Caicos Islands (A/C.4/41/7) (agenda item 19). He suggested that, unless there were any objections, the requests should be granted.
2. It was so decided.

AGENDA ITEM 36: QUESTION OF NAMIBIA

Hearing of an organization concerned (A/C.4/41/4/Add.9)

3. At the invitation of the Chairman, Mrs. Mosston (International Association of Democratic Lawyers) took a place at the petitioners' table.
4. Mrs. MOSSTON (International Association of Democratic Lawyers) said that her organization had been established in 1946 and had more than 150,000 members in some 100 countries. Its main objective was to promote co-operation among jurists for the defence of peace and in support of the principles of the Charter of the United Nations, of international law and of human rights and fundamental freedoms. The Association had consistently opposed colonialism and neo-colonialism by making its legal skills available to the peoples struggling for their liberation, by upholding their rights to self-determination and independence, by analysing international law in that sphere and by disseminating information on the work of the United Nations.
5. The members of the Association had intensified their efforts to draw attention to the illegal nature of the South African régime, to the crime against humanity called apartheid, and to the flagrant violations of international law which that régime was committing by continuing to occupy Namibia and terrorizing all the peoples of southern Africa. In that particular connection, they had supported the African National Congress and SWAPO.
6. With more specific reference to Namibia, the Association had consistently condemned the manoeuvres of the five Western "contact States" which were aimed at assisting South Africa in delaying the decolonization process. The Association totally rejected the "double vote" electoral system which those States were trying to impose. There could be no genuine Namibian independence without the participation of SWAPO and the unconditional withdrawal of the South African armed forces. The Association denounced the drastic conditions imposed on that Territory, where 80 per cent of the population was living under martial law and where anyone suspected of promoting violence or intimidation was liable to indefinite detention without trial or legal assistance.

(Mrs. Mosston)

7. Pretoria's obstinacy coupled with the attitude of the United States had succeeded in frustrating all the efforts made during the past 20 years, since the United Nations had assumed responsibility for that Territory, and especially since the adoption by the Security Council of the plan for the independence of Namibia [resolution 435 (1978)]. If any progress was to be made in the search for a solution, the United States must stop linking the independence of Namibia to the withdrawal of Cuban troops from Angola, and the States which were in favour of justice must take up that issue in all international forums in order to impress on that country the need to abandon such "linkage" and to co-operate fully with the United Nations in the implementation of Security Council resolution 435 (1978). The United States and the United Kingdom must also refrain from using their veto to oppose the imposition of comprehensive mandatory sanctions against South Africa - the most effective means of forcing South Africa to put an end to its occupation of Namibia. In addition, the Secretary-General of the United Nations must proceed with the implementation of the United Nations plan for the independence of Namibia. The world mass media must, for their part, provide information on the plight and struggle of the Namibian people, despite the information blackout imposed by South Africa. Lastly, the international community must provide material, political and diplomatic support to SWAPO because Namibia had already waited too long for its independence.

8. Mrs. Mosston withdrew.

AGENDA ITEM 19: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued)

Hearing of petitioners (A/C.4/41/3/Add.2)

9. The CHAIRMAN drew attention to the request for hearing concerning Western Sahara (A/C.4/41/3/Add.2, which the Committee had decided to grant at its 8th meeting.

10. At the invitation of the Chairman, Mr. Knight (Western Sahara Campaign for Human Rights and Humanitarian Relief, USA) took a place at the petitioners' table.

11. Mr. KNIGHT (Western Sahara Campaign for Human Rights and Humanitarian Relief, USA) said that the Saharan people, like the Namibian people, had suffered a violation of international law because the annexation of their territory by Morocco had suspended the decolonization process. Three quarters of the Moroccan army were currently deployed in that territory, where the civilian population was outnumbered by soldiers in the proportion of four to one. Emergency legislation had given very broad powers to the army and police, and the fundamental rights of the population were not being respected. Two thousand Saharans had disappeared and hundreds of others had been detained and tortured; for example, eight members of the same family had been "taken away" in the past month on the pretext that they had been in possession of fabric which was the same colour as the Saharan national flag.

(Mr. Knight)

12. Morocco was vainly relying on public opinion to legitimize its occupation of Western Sahara, but only the Saharan people had the right to settle that matter. The mission of inquiry sent by the United Nations in 1975 had reported that the Saharan population was categorically in favour of independence. Moreover, in the same year, the International Court of Justice had dismissed the Moroccan State's territorial claims over Western Sahara and reaffirmed the Saharan people's right to self-determination. A referendum on self-determination should be organized and supervised by the Organization of African Unity and the United Nations in accordance with resolution 40/50 of the General Assembly of the United Nations and OAU resolution AHG/Res. 104 (XIX).

13. Mr. Knight withdrew.

AGENDA ITEM 19: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/41/23 (Parts IV and VII)), A/41/168 and Corr.1, A/41/332, A/41/341 and Corr.1, A/41/349, A/41/367, A/41/372 and Corr.1 and 2, A/41/373, A/41/375, A/41/420, A/41/435, A/41/444, A/41/478, A/41/485, A/41/673; A/AC.109/848 to 857, 85b and Corr.1, 859 to 861, 873 and Corr.1, 874 and Corr.1 and 2, 877 and Add.1; A/C.4/41/L.2)

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

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

AGENDA ITEM 104: INFORMATION FROM NON-SELF-COVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/41/23 (PART IV) and A/41/641)

(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 (continued)

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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 (continued)

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

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

AGENDA ITEM 107: UNITED NATIONS EDUCATIONAL AND TRAINING PROGRAMME FOR SCOUTHERN AFRICA: REPORT OF THE SECRETARY-GENERAL (continued)

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

14. Mr. SIMAS-MAGALHÃES (Brazil) was pleased to note that the number of items on the Committee's agenda had been considerably reduced, which demonstrated the success of the United Nations decolonization activities, as guided by the Declaration on the Granting of Independence to Colonial Countries and Peoples. But the Organization still had an important role to play in helping any colonial Territories which had not yet done so to attain self-government. In that respect, the Special Committee's yearly examination of the situation in the Non-Self-Governing Territories was very important, because an objective and business-like analysis helped to advance the cause of the indigenous peoples. It would, however, be preferable for the Committee to consider the specific situation in each Territory, taking into due account individual differences, especially social and cultural ones, and to avoid misleading generalizations.

15. It was unfortunate that, during the consideration of the reports submitted to the Fourth Committee, some delegations which truly believed that they could play a substantive role, without encroaching on the mandate of the Committee of 24, should be reduced to inactivity owing to largely irrelevant polemical exchanges. Lamentably, the Fourth Committee had been turned into a "chamber of rights of reply" between those delegations which mentioned only as an afterthought the obligations of their countries as administering Powers and those which simply churned out the same old propaganda every time.

16. Equally invalid were the criticisms put forward on the basis of the alleged "ideological" politicization of the recommendations. Frequently, such allegations were used by certain delegations as a smokescreen to prevent the Fourth Committee from taking a clear stand on the activities of administering Powers. It would be very difficult to defend the political rights of colonial peoples in a manner devoid of ideological connotations, for the choice of an option as a result of self-determination necessarily implied a preference for a particular ideology which the local populations saw as best suited to their needs. It was precisely the Fourth Committee's task to ensure that peoples under colonial administration were adequately informed of the plurality of options available to them.

17. Of graver concern was the fact that ideology could lead to the decolonization of a given Territory being subordinated to strategic interests dictated by considerations other than the welfare of the indigenous people, or to its serving as a pretext for imposing pre-conditions for independence, as was the case with Namibia, for example. His delegation reiterated its support for SWAPO and hoped that the United Nations would fully affirm its responsibility for Namibia through the imposition of more stringent mandatory sanctions against South Africa.

(Mr. Simas-Magalhães, Brazil)

18. On the subject of activities of foreign economic interests, it could never be stressed enough that colonial Territories required assistance in laying the foundations for a viable and sovereign economic existence. Such assistance had not been forthcoming for Namibia. The transnational corporations operating there had helped only marginally in preparing for independence, had done even less to eliminate racial discrimination or improve the welfare of the black population, and had impoverished the Territory. South Africa, on the other hand, had benefited from the foreign investments, which had enabled it to pursue its policies of internal repression and of external aggression, particularly against Angola. Given the situation, the international community had to act decisively.

19. In order for a country to be truly independent, it also had to have the necessary human resources to conduct domestic affairs without foreign interference. That was why Brazil intended to maintain and, where possible, increase its contribution to the United Nations Educational and Training Programme for Southern Africa, which was a useful tool for preparing the future administration of an independent Namibia and a pluralist and democratic South Africa, free from racism. The training of national cadres was an indispensable step towards the realization of the goals established by the Charter and resolution 1514 (XV); it was the responsibility not only of the administering Powers, but of all countries truly attached to the values of the United Nations. The Committee's job was to ensure that countries acceding to independence could choose their political and economic systems regardless of the ties developed with the former administering Powers.

20. His country was gratified by the untiring efforts of the Secretary-General and the Organization of African Unity with regard to Western Sahara. The Committee should take due note of the developments indicated in the Secretary-General's report (A/41/673), the positions taken by the parties to the conflict and the announcement that a set of proposals would be put forward to grant the right of self-determination to the Saharan people.

21. All the Non-Self-Governing Territories had the right to seek guidance from the United Nations and the latter's protection against any irregularity in the exercise of their right to self-determination. Whether in Western Sahara or elsewhere, the presence of the United Nations did not mean that the question had been unduly internationalized, but rather signified that it had been put in the right perspective so that the basic principles of the Charter and the Declaration could be carefully implemented.

22. Brazil fully supported Argentina's rights of sovereignty over the Malvinas Islands and noted with concern that negotiations had not yet begun. Since 1833, when the occupation of the Islands had started, Brazil had maintained that whatever modifications were introduced from abroad, including population settlements, they did not alter the fact that the Malvinas were an integral part of Argentine territory.

(Mr. Simas-Magalhaes, Brazil)

23. The Fourth Committee should desist from pointless rhetorical exchanges and try instead to identify those interests and activities which might be contrary to the exercise of self-determination by colonial peoples.

24. Mr. LEVCHENKO (Union of Soviet Socialist Republics) fully endorsed the recommendations in the Special Committee's report (A/41/23 (Part IV)) and stressed how important it was for all international organizations and specialized agencies to co-operate actively in implementing the Declaration on decolonization. In 1981, however, as in previous years, the World Bank and the International Monetary Fund, controlled by Western Powers, were continuing to maintain relations with Pretoria in the financial and technical fields, despite the urgings of the international community as a whole. No one believed those institutions any longer when they claimed that their links with Pretoria were of a purely formal or technical nature. It was plain that without outside help, South Africa would not be able to gear up its military machine, as it was currently doing, and set its armies not only against its own black population and that of Namibia but also against the front-line States.

25. The United Nations bodies should support the national liberation movements recognized by the United Nations and the Organization of African Unity. His delegation would therefore vote for the draft resolution proposed by the Special Committee in document A/41/23 (Part IV).

26. Mr. RADA (Czechoslovakia) said that there were many ways in which the specialized agencies and the international organizations could promote the elimination of colonialism. Once again, the majority of them had actively combated colonial domination and racism during the past year. He singled out the activities of UNESCO, UNDP, WHO and FAO for special commendation. But those efforts were not enough. The specialized agencies and the international organizations must also oppose the penetration into dependent Territories of foreign private capital, especially that belonging to transnational corporations, and they should help the newly independent countries to attain economic independence, so as to prevent a new form of colonialist exploitation from developing.

27. At a time when the liberation struggle of the Namibian and South African peoples and Pretoria's repression were being stepped up simultaneously, it was heartening to see that the vast majority of specialized agencies and international organizations were supporting the liberation movements and assisting the front-line States and victims of the apartheid régime. It was, however, deplorable that the International Monetary Fund and the World Bank had failed to end their collaboration with the Pretoria régime. Thus, in its statistics, the Fund treated Namibia as an integral part of South African territory and had granted a loan of \$1.1 billion to South Africa in 1982. Czechoslovakia vigorously condemned the assistance which those institutions provided to the South African régime, and called for the United Nations to seek a speedy end to that co-operation.

28. Since the resolution proposed by the Special Committee in its report (A/41/23 (Part IV)) adopted a sound approach in the matter of the decolonization activities of the specialized agencies, his delegation would support it without reservations.



29. Mr. CHACON (United States of America), speaking in exercise of the right of reply, observed, for the benefit of the representative of Cuba, that the population of Puerto Rico had exercised its right to self-determination in 1952 and that it could further modify its political status whenever it so wished. The question of Puerto Rico could not, therefore, be considered a decolonization issue. The Trusteeship Territory of the Pacific Islands, moreover, was a strategic area which did not come within the jurisdiction of the Fourth Committee. The population of that Territory too had exercised its right to self-determination, by means of a plebiscite organized under the auspices of the United Nations.

30. Mrs. FERNANDEZ-RIOS (Cuba) replied that the Special Committee on decolonization had adopted a resolution on Puerto Rico in August 1986, as the people had made it known that they were dissatisfied with their dependent status. It was normal for the Fourth Committee to take account of the findings of its principal subsidiary body.

The meeting rose at 4.25 p.m.