

2174th meeting

Monday, 24 November 1975, at 8.45 p.m.

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

A/C.4/SR.2174

AGENDA ITEMS 91 AND 12

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 (concluded) (A/10003 (chapter VI), A/10023/Add.5, A/10080 and Add.1-4, A/10319, A/C.4/801, A/C.4/L.1095, A/C.4/L.1119)

Report of the Economic and Social Council (concluded) (A/10003 (chapter VI), A/C.4/L.1119)

CONSIDERATION OF DRAFT RESOLUTIONS (concluded)

1. The CHAIRMAN announced that Jamaica and the Syrian Arab Republic had become sponsors of draft resolution A/C.4/L.1119, relating to agenda items 91 and 12.

At the request of the representative of France, a recorded vote was taken on the draft resolution.

In favour: Afghanistan, Albania, Algeria, Austria, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Chad, Chile, China, Comoros, Congo, Cuba, Czechoslovakia, Denmark, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Indonesia, Iran, Iraq, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lesotho, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Papua New Guinea, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: France, United States of America.

Draft resolution A/C.4/L.1119 was adopted by 91 votes to none, with 2 abstentions.

2. Mr. NAGAI (Japan) said that his delegation had voted in favour of draft resolution A/C.4/L.1119 on the understanding, first, that any material assistance which the specialized agencies and other United Nations organizations

were requested to render to the colonial peoples in Africa under paragraph 5 and other similarly-worded paragraphs must not be interpreted as including armed assistance of any kind and, secondly, that paragraph 8 should not legally be construed as meaning that the specialized agencies and other organizations in the United Nations system should cease to extend the minimum assistance which any State member of those organizations was normally entitled to receive as long as it remained a member of those organizations.

3. Mr. KATZEN (United States of America) said that his delegation had abstained in the vote because his country, on general policy grounds, was opposed to the growing politicization of the specialized agencies, a trend which threatened to disrupt their important work in technical and humanitarian fields. His delegation had reservations about the wording of paragraph 2 and the similar wording of other paragraphs. The United States gave its full support to peaceful evolution in colonial Territories and to the granting of humanitarian assistance to those Territories, but it could not support the principle that United Nations bodies should grant all necessary material assistance to liberation movements, a principle that went beyond the scope and functions of those institutions and threatened to do serious harm to their technical assistance and humanitarian programmes.

4. Mr. DE LATAILLADE (France) said that his delegation had abstained in the vote for reasons of principle. His delegation fully supported the provisions of paragraph 6 and welcomed the measures taken to provide assistance on a priority basis to the peoples of the Territories formerly administered by Portugal; it also appreciated the initiative taken by the Secretary-General in that respect. It had not, however, been able to vote in favour of a text that included provisions about which it had the most serious reservations, nor could it support as a whole chapter VII of the 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 (A/10023 (part V)), dealing with the question under consideration.

5. Mr. STERNEBERG (Netherlands) said that his Government, although concerned about the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies, had the same reservations about the draft resolution that had just been adopted as those expressed by his delegation on the same subject at the twenty-ninth session (2128th meeting, para. 49) and that those reservations related in particular to paragraph 8, concerning the relations between South Africa and the specialized agencies. Moreover, his delegation did not agree with the implication in that paragraph that United Nations institutions continued to extend assistance to Southern Rhodesia.

6. Mrs. HSUEH Jun-wu (China) said that, in view of China's well-known position with regard to the World Bank and the International Monetary Fund, her delegation had reservations about the operative paragraphs that referred to those bodies. Her delegation was, however, in favour of the draft resolution as a whole.

7. Mrs. SKOTTSBERG-ÅHMAN (Sweden), speaking also on behalf of the delegations of Finland, Norway and Denmark, expressed support for the intensification of humanitarian, education and technical assistance to oppressed peoples, and said that the delegations on whose behalf she was speaking therefore attached great importance to the current and future role of the specialized agencies in that respect. The Governments of the Nordic countries also agreed as a matter of principle that the specialized agencies should preserve their universal character and that due consideration should be given to the provisions of their statutes.

8. Mr. JUNEJO (Pakistan) said that his delegation would have voted in favour of the draft resolution had it been present at the time of the vote.

9. Mrs. PINT (Belgium) said that her delegation had voted in favour of the draft resolution because it supported the assistance that the specialized agencies could provide to colonial Territories and to newly independent countries, but that, as in previous years, it had reservations about certain paragraphs, in particular paragraph 8.

10. Mr. HULELA (Botswana) said that his delegation would have voted in favour of the draft resolution had it been present at the time of the vote.

11. Mr. VON UTHMANN (Federal Republic of Germany) said that his delegation would have abstained in the vote had it been present. His Government was not convinced that it was in the common interest of the specialized agencies and international institutions associated with the United Nations to become too involved in political questions that had nothing to do with their mandates. Several of those institutions had a primarily technical function and the inclusion in their activities of political elements, in particular controversial elements, tended to jeopardize the effectiveness of their action without promoting a solution of the political problems. It was very difficult for his delegation to subscribe to the procedural provisions dealt with in paragraph 9. In that connexion, he referred to his delegation's explanation of vote at the twenty-ninth session (*ibid.*, para. 51) on the draft resolution subsequently adopted by the General Assembly as resolution 3300 (XXIX).

12. Ms. EDELSTEIN (Canada) said that her delegation would have voted in favour of draft resolution A/C.4/L.1119 had it been present at the time of the vote.

13. Mr. BUDHIRAJA (India) said that his delegation, as a sponsor of the draft resolution, would have voted in favour of it had it been present at the time of the vote.

14. Miss LOWRY (United Kingdom) stated that, had it been present, her delegation would have abstained, with regret, in the vote on the draft resolution. As it had done at

the previous session (*ibid.*, para. 55), her delegation wished to express reservations about the official relations between the General Assembly and the specialized agencies which the resolution tended to promote, and most specific reservations about the wording of paragraphs 2, 5 and 6, the provisions of which implied support for decolonization by other than peaceful means—which was contrary to the Charter. Moreover, in her delegation's view, the provisions of paragraph 8 violated the principle of universality and of the equality of rights of States Members of the United Nations and of the specialized agencies.

15. Ms. MOYLAN (Ireland) said that her delegation would have voted in favour of the draft resolution had it been present at the time of the vote.

16. Mr. AL-BEHI (Democratic Yemen) said that his delegation, had it been present at the time of the vote, would have voted in favour of the draft resolution, of which it was a sponsor.

REPORT OF THE FOURTH COMMITTEE

17. The CHAIRMAN said that, if she heard no objections, she would take it that the Committee decided to authorize the Rapporteur to submit directly to the General Assembly the report on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and international institutions associated with the United Nations.

*It was so decided.*¹

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 (parts I, II and IV), A/10023/Add.5, A/10023/Add.6 (parts I and II), A/10023/Add.7, A/10023/Add.8 (part III), A/10082, A/10095, A/10097, A/10101, A/10104, A/10175, A/10300, A/10326-S/11862, A/10337-S/11872, A/10373-S/11881, A/C.4/804, A/C.4/L.1115, A/C.4/L.1118)

QUESTION OF ST. HELENA: CONSIDERATION OF DRAFT CONSENSUS (*concluded*)

18. Mr. RIFAI (Secretary of the Committee), referring to the financial implications of the draft consensus concerning the question of St. Helena, contained in document A/C.4/L.1118, informed the Committee that the Secretary-General expected that the cost of the proposed visiting mission would be financed from the appropriations for the Special Committee's programme of work for 1976 and that the adoption of the draft consensus would therefore entail no additional financial implications.

19. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee wished to adopt the draft consensus contained in document A/C.4/L.1118.

The draft consensus was adopted.

¹ The report was subsequently circulated as document A/10409.

QUESTION OF THE NEW HEBRIDES, PITCAIRN AND TUVALU: CONSIDERATION OF DRAFT RESOLUTIONS (*continued*)*

20. The CHAIRMAN announced that the Comoros had become a sponsor of draft resolution A/C.4/L.1115, concerning the question of the New Hebrides, Pitcairn and Tuvalu.

21. Mr. NANDAN (Fiji) said that before introducing draft resolution A/C.4/L.1115 he wished to make a few brief remarks on the Territories concerned.

22. The tiny Territory of Pitcairn continued to be a problem because of its small size, the smallness of its population and economy, and its relative isolation. In chapter XXI of its report to the General Assembly, the Special Committee, having noted those difficulties, had urged the administering Power "to extend all possible assistance as a matter of priority in order to promote the well-being of the people of Pitcairn and to facilitate constructive measures of development in the territory" (see A/10023/Add.7, chap. XXI, para. 13) and had considered that the recent decision of the administering Power to improve the island's harbour facilities was a positive step towards that end.

23. He noted that in 1974 the United Nations Visiting Mission to the Gilbert and Ellice Islands had taken note in its report² of the desire of the Ellice Islands, since renamed Tuvalu, for separate status from the Gilbert Islands to take effect from 1 January 1976.

24. The problem of the decolonization of the New Hebrides was unique in that the Territory was jointly administered by two colonial masters, France and the United Kingdom, under the Anglo-French Protocol of August 1914. The system benefited the imperialist Powers to the detriment of the population. The New Hebrides was a most absurd example of colonialism and of non-cooperation between two Powers which, at a time when the countries of Europe were seeking economic and political unity, were unable to unite their administration on a small island in the Pacific. The New Hebrides also illustrated the different attitudes of France and the United Kingdom towards the decolonization of small Territories, especially in the south Pacific.

25. On the one hand, the United Kingdom desired to decolonize each of its Territories, as the United Kingdom delegation had shown by participating in the work of the Special Committee, supplying up-to-date information on Territories under United Kingdom administration, and inviting the Special Committee to send visiting missions to the Gilbert and Ellice Islands and Montserrat. The French Government, on the other hand, did not co-operate with the Special Committee with respect to any of its Territories, particularly the New Hebrides, refusing to supply information as required by the Charter of the United Nations and General Assembly resolution 1514 (XV) or to participate in the Committee's work. The French Govern-

ment's position with respect to the future of the New Hebrides was at best unclear, if not negative.

26. It had taken 60 years for the two administering Powers to discuss the co-ordination of their administration and to bring about some minor changes in local government following an Anglo-French ministerial meeting in London on 4 and 5 November 1974, to which the representatives of the population of the Territory had not been invited.

27. The agreement reached on that occasion did not define the elements essential for progress towards decolonization; it did not record the right of self-determination of the peoples of the New Hebrides, nor did it mention any over-all programme for constitutional development in the Territory in order to implement the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the ultimate aims of the administering Powers remained unclear. He appealed to the administering Powers, particularly France, to stop dragging their feet and to let the international community know their attitude towards decolonization of the New Hebrides and the other Territories under their administration.

28. Introducing draft resolution A/C.4/L.1115 on behalf of the sponsors, he read out the operative paragraphs, which reiterated the provisions of General Assembly resolution 3290 (XXIX) as they applied to the three Territories concerned.

29. Moreover, in the draft resolution, the General Assembly, strongly deploring the continued refusal of the French Government, in contravention of the relevant resolutions of the General Assembly, to co-operate with the Special Committee in its consideration of the Territory of the New Hebrides, called upon that Government to participate in the relevant proceedings of the Special Committee and, in particular, to report to the Special Committee on the implementation of the resolution. The mere transmission to the Secretary-General of a copy of a communiqué issued following a conference between the two administering Powers (see A/10175) did not constitute co-operation with the Special Committee, which sought information on the conditions in the Territory on a regular and continuing basis.

30. The General Assembly welcomed the positive attitude of the United Kingdom Government with respect to visiting missions and called upon the Government of France to reconsider its attitude towards receiving United Nations visiting missions, and to permit access by such a mission to the Territory of the New Hebrides.

31. As in previous years, the General Assembly reiterated its deep concern at the continued testing of nuclear weapons in the south Pacific despite the strong opposition of the populations. He emphasized that further nuclear testing had taken place in June in French Polynesia and referred to reports that a new series of tests was scheduled in the same area in the next few weeks. In that connexion he pointed out that the sponsors of the draft resolution did not accept the argument that the question of nuclear testing in or in the vicinity of dependent Territories should be left to other Committees; they believed that it was a situation arising out of colonial domination and not a disarmament question alone.

* Resumed from the 2172nd meeting.

² See *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23, chap. XXI, annex I.*

32. Finally, the General Assembly requested the Special Committee to continue to seek the best ways and means for the implementation of the Declaration with respect to the New Hebrides, Pitcairn and Tuvalu, including the possible dispatch of visiting missions in consultation with the administering Powers concerned, and to report to the General Assembly at its thirty-first session on the implementation of the resolution.

33. Mr. MATANE (Papua New Guinea) congratulated the Special Committee on the valuable information it had provided in chapters XVIII and XXI of its report, dealing with the New Hebrides, Pitcairn and Tuvalu (see A/10023/Add.7), and commended the Government of the United Kingdom for its spirit of co-operation. He regretted that the other administering Power of the New Hebrides had not followed the example of the United Kingdom Government. The Territory presented special features arising from its geographical location, its small size and population and its very limited resources. That should nevertheless not prevent its population from obtaining self-government and eventual independence. The New Hebrides was also faced by another problem, its dual administration, which had delayed the granting of self-determination.

34. Turning to the political developments in the Territory, his delegation welcomed the Anglo-French ministerial talks held in London on 4 and 5 November, at which the two Governments had decided to establish a representative assembly to replace the Advisory Council. It was encouraging to note that they had agreed on unifying the existing criminal law and court systems with the aim of setting up a single system based on United Kingdom criminal procedure and the French penal code. The agreement reached at the ministerial talks incorporated actions to improve the administrative system. In that connexion, the interests of the peoples of the Territory must be paramount. He sincerely hoped that the administering Powers would intensify their efforts to ensure that the political, economic and social development kept pace with the needs of the Territory and the wishes of its inhabitants. To achieve that, it was important that leaders of the peoples must be fully involved.

35. Since the adoption of General Assembly resolution 1514 (XV) there had been a remarkable transformation in all regions of the world. Many former colonies in Africa, Asia and Latin America had become independent. The south Pacific region was no exception, and Papua New Guinea itself was an example. But it seemed increasingly clear that the south Pacific region remained one of the last in which resolution 1514 (XV) had not been fully implemented by various colonial Powers, which, for one reason or another, had denied the right of the Fourth Committee and the Special Committee to gather and evaluate information on Territories which those Powers administered. His delegation hoped that the day would soon come when all the Territories in the south Pacific would be free to exercise their right to self-determination and independence.

36. Mr. AMPAT (Congo) said that his delegation wished to become a sponsor of draft resolution A/C.4/L.1115.

QUESTION OF SPANISH SAHARA: GENERAL DEBATE (*continued*)

37. Mr. SALIM (United Republic of Tanzania)* said that there was no year, since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples in 1960, in which the General Assembly could take stock with greater satisfaction of its impressive victories in the process of decolonization than it could in 1975. By any standards, the United Nations had every reason to congratulate itself on having played an important supportive role in the liberation of peoples under colonial domination. The emergence in 1975 of so many free and sovereign nations—five of which were already active participants in the Committee—was reason for jubilation and a source of inspiration for all in the final and decisive battles against the scourge of colonialism in all its forms and manifestations.

38. Thus, as the Committee reviewed the remaining colonial questions, it was very important to guard against any impediments, whether of the classic or traditional variety or in the new forms disguised in different language and styles, that might affect the logical culmination of the process of decolonization as envisaged in General Assembly resolution 1514 (XV). In that respect, the Committee and indeed the General Assembly must not allow any extraneous factors, which were both alien to the principles of the Charter and repugnant to the principles of the Declaration, to detract from the rights of peoples to self-determination and independence in accordance with resolution 1514 (XV). Yet it was surely pathetic and ironic that at a time when all people, reinforced as they were by the victories won so far, should be rededicating themselves to the acceleration of the process of decolonization of the Territories that were still non-self-governing, attempts were being made to introduce those very factors that would confound the process of decolonization.

39. The question of Spanish Sahara was one of those remaining colonial problems in which, regrettably, such attempts were being made, in order to circumvent the principles of decolonization and thus not only to ignore the legitimate aspirations of the inhabitants of the Territory but also to create a situation with far-reaching repercussions for the otherwise impressive efforts of the international community in the struggle of peoples for freedom and independence. Thus, as the Committee addressed itself to the question of Spanish Sahara, it was imperative that it consider not only the principles that Members of the Organization had consistently upheld and championed in relation to the rights of colonial peoples to self-determination, but above all that it should seriously ponder the adverse consequences of the violation of such principles. It was in that spirit that his delegation wished to address itself to the substance of the problem of Western Sahara or so-called Spanish Sahara.

40. For 10 years, the United Nations had been actively seized of the problem of the decolonization of Spanish

* The statement by the representative of the United Republic of Tanzania and subsequent statements on the question of Spanish Sahara made at this meeting are reproduced *in extenso* in accordance with the decision taken by the Committee at its 2168th meeting.

Sahara. The matter had been discussed at different intervals and in different forums, for example, the Special Committee, the Fourth Committee and the General Assembly itself. Whatever the "special" nature of the problem, however "complex" the Territory's decolonization process might be, and whatever might be the doubts, reservations or claims to the Territory of some of the parties concerned and interested, the records of the United Nations decisions on the question consistently brought forth one unambiguous, non-controversial and incontestable fact, namely, the right of the people of Spanish Sahara to self-determination in accordance with resolution 1514 (XV). In other words, there had been the clear recognition by the General Assembly and, it should be emphasized, by the parties concerned and interested that the people themselves must decide their own destiny.

41. Between 1966 and 1970, from its twenty-first to twenty-fifth sessions, the General Assembly had annually adopted resolutions reaffirming the right of the people of Spanish Sahara and calling upon the administering Power to take steps to ensure the realization of that right by the people of its colonial Territory. Thus, in resolution 2229 (XXI), the General Assembly had, *inter alia*, reaffirmed the inalienable right of the people of Spanish Sahara to self-determination in accordance with resolution 1514 (XV); invited the administering Power, in consultation with the parties concerned and interested, to arrange for procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination; and authorized the appointment of a special mission to be sent to the Territory. Resolutions 2354 (XXII), 2428 (XXIII), 2591 (XXIV) and 2711 (XXV) had categorically reiterated those provisions. It should be remembered that the resolutions of the twenty-first to twenty-fifth sessions had several other provisions and that in those resolutions three things had repeatedly been called for: self-determination, a referendum under United Nations supervision and the dispatch of a United Nations visiting mission to the Territory. Furthermore, the resolutions had been adopted with the full support of the Governments of Algeria, Morocco and Mauritania, whose delegations, as the records showed, had cast positive votes.

42. Spain, as the administering Power, had not taken the necessary measures required by the United Nations. It had adopted a negative attitude on the question of a United Nations visiting mission to the Territory. In short, Spain's position had been that of creating obstacles to the decolonization process, thus clearly violating the resolutions of the General Assembly. Spain's role had therefore been unjustifiably deplored by the international community. Yet absolutely nothing that had transpired in the said period had in any way invalidated or questioned the provisions of the General Assembly resolutions or made the rights of the indigenous peoples of Spanish Sahara any less legitimate. On the contrary, Spain's prevarication, on the one hand, and, on the other hand, the demand of the international community, actively championed by the African delegations in particular, had led to a less equivocal position of the United Nations in support of the decolonization of Western Sahara. Thus, while in previous resolutions the General Assembly had been content to emphasize self-determination without clearly asserting the option of

independence, in 1972, at its twenty-seventh session, it had reaffirmed that right and had specifically supported the right of independence of the Territory. In its resolution 2983 (XXVII) the General Assembly, *inter alia*:

"1. Reaffirms the inalienable right of the people of the Sahara to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

"2. Reaffirms the legitimacy of the struggle of colonial peoples and its solidarity with, and support for, the people of the Sahara in the struggle they are waging in order to exercise their right to self-determination and independence, and requests all States to give them all necessary moral and material assistance in that struggle;

"...

"4. Expresses its support for, and solidarity with, the people of the Sahara, and calls upon the Government of Spain, in conformity with its obligations and its responsibility as the administering Power, to take effective measures to create the necessary conditions for the free exercise of their right to self-determination and independence".

Furthermore, on the issue of a referendum, the Spanish Government, in consultation with the parties concerned and interested, had been specifically directed to ensure that the procedures for such a referendum should "enable the indigenous population of the Sahara to exercise freely its right to self-determination and independence". That specific invitation to the Government of Spain in connexion with the referendum had been reiterated in General Assembly resolution 3162 (XXVIII).

43. Quite obviously, therefore, the General Assembly in its wisdom had made it abundantly clear that all options were open to the people of Spanish Sahara. His reference to resolutions 2983 (XXVII) and 3162 (XXVIII) was not in any way an assertion that Spanish Sahara must be independent, since no delegation—nor even the General Assembly—could decide whether a people should or should not be independent. It was for the people of Spanish Sahara themselves to decide what status they desired. That was the point which must be underscored and which could not and should not be negotiable. It was a principle that was sacrosanct in the United Nations and had been espoused with no less vehemence by all the fraternal countries of the Maghreb, including those that had laid claims to the Territory. It was on record that not only had the United Nations adopted those two resolutions by overwhelming majorities but, more significantly, those resolutions had been supported by both Morocco and Mauritania, which had claims on the Territory, and by Algeria, one of the parties concerned and interested. Thus, notwithstanding the claims of Morocco and Mauritania, those fraternal States had clearly recognized and accepted the premise that Spanish Sahara should be decolonized on the basis of United Nations resolutions which, *inter alia*, asserted the rights of the people of the Territory to self-determination and independence.

44. The most recent General Assembly resolution on Spanish Sahara was resolution 3292 (XXIX), which, under-

standably, had been repeatedly referred to in the Committee. The United Republic of Tanzania, contrary to normal practice on the issue, had not sponsored that resolution. It had, however, reluctantly voted for it. His delegation's reluctance to support that resolution had stemmed from its conviction that it was not appropriate to refer to the International Court of Justice a case which in its view, and in that of the United Nations, was a clear-cut colonial question, to be treated similarly to that of any other Non-Self-Governing Territory. It had been and still was his delegation's position that, whatever might have been the situation in the past, the Territory was a colony to be decolonized in accordance with the provisions of United Nations resolutions and established United Nations practice. However, in deference to the fraternal people of Morocco, Algeria and Mauritania, his delegation had gone along with the resolution adopted at the twenty-ninth session. That deference had stemmed not merely from African solidarity, but also from a recognition of those countries' geographical proximity to the Territory and some of the problems that they had expressed. The United Republic of Tanzania had been willing to have the Court express its advisory opinion in the hope that such an opinion would further facilitate United Nations action in the decolonization of the Territory on the basis of the right of the population of Spanish Sahara to self-determination in accordance with resolution 1514 (XV).

45. Despite its apprehensions as to the wisdom of referring the colonial case of Spanish Sahara to the International Court of Justice, his delegation was gratified that the Court's opinion had served only to reinforce the position already taken by the United Nations in respect of the right of self-determination of the people of Spanish Sahara. It was stated in paragraph 162 of the advisory opinion handed down on 16 October 1975 that:

"The materials and information presented to the Court show the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara. They equally show the existence of rights, including some rights relating to the land, which constituted legal ties between the Mauritanian entity, as understood by the Court, and the territory of Western Sahara. On the other hand, the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory." (See A/10300.)

In his delegation's view, that opinion by the Court was clear and left no room for ambiguity or misinterpretation. The right of the people of Spanish Sahara to self-determination was paramount and ought to be respected.

46. Resolution 3292 (XXIX) had also provided for the sending of a visiting mission to Spanish Sahara. The Special Committee, operating under that mandate and with the co-operation of the Government of Spain, had dispatched a

Visiting Mission to the Territory. That Mission, which had received the excellent co-operation of the Governments of Spain, Morocco, Mauritania and Algeria, had prepared a report (A/10023/Add.5, annex), containing specific observations and conclusions, which had been unanimously endorsed by the Special Committee. As Chairman of the Special Committee, he had already paid a tribute to the representative of the Ivory Coast, Mr. Aké, and the delegations of Cuba and Iran—members of the Visiting Mission—for the outstanding work they had accomplished and for a fair, impartial, objective, sound and timely report. As the representative of the United Republic of Tanzania, he now wished to pay a similar tribute.

47. On the issue of self-determination, he wished to draw the Committee's attention to paragraph 11 of the report of the Special Committee (A/10023/Add.5), containing, *inter alia*, the following observations and conclusions of the Visiting Mission:

"(33) It is also important to stress that the decolonization of Spanish Sahara must take into account the wishes and aspirations of all the Saharan population of the Territory, including those who are at present living abroad as political exiles or refugees. Their current and future interests must be protected.

"...

"(35) The Mission believes that any popular consultation of whatever nature held in the Territory, in order to furnish a valid expression of the opinion of the majority, must be based on the participation of all Saharans belonging to the Territory. It is therefore important to establish who is and who is not a Saharan belonging to the Territory. The concerned and interested parties have agreed that this task should be entrusted to a commission of experts designated by the United Nations, which would work in close co-operation with the administering Power and with other concerned and interested parties."

48. On some of the conditions necessary to bring about peaceful and meaningful decolonization, he wished to draw attention to the following observations and conclusions of the Visiting Mission:

"(38) In order to create a climate favourable to the peaceful decolonization of the Territory, all the concerned and interested parties should agree by common accord to:

"(a) Recognize the responsibility of the administering Power with regard to the Territory during the crucial stage in the decolonization process and give it all necessary co-operation in the discharge of its responsibility;

"(b) Avoid taking any initiative of any kind which might change the *status quo* of the Territory as it exists at present".

49. Finally, faithful to the responsibility of the United Nations for Non-Self-Governing Territories, and bearing in mind the resolutions of the General Assembly on the issue

of Spanish Sahara from 1966 onwards, the Visiting Mission made the following important recommendation:

“(40) The Mission is also convinced that a United Nations presence in the Territory, in a form and for a time to be determined, could be useful and could constitute a factor of appeasement and confidence indispensable for the peaceful decolonization of the Territory.”

50. Having both the advisory opinion of the Court and the report of the Visiting Mission, drawn up in accordance with resolution 3292 (XXIX), before them, the Committee and the General Assembly should decide on the policy to be followed in order to accelerate the decolonization process of the Territory in accordance with resolution 1514 (XV). In that connexion, his delegation wished to assert the position that it had repeatedly stated elsewhere with respect to the responsibility of the General Assembly on the issue of decolonization of Spanish Sahara. He did so in order to clarify his delegation's position in the light of statements made and attempts to rationalize or justify unilateral or trilateral positions with resolutions of the Security Council and also attempts to sanctify such decisions which were totally outside the context of the United Nations position. The United Republic of Tanzania, as a member of the Security Council, had been actively involved in the formulation and final adoption of the decisions on the situation in Western Sahara arising out of the Green March. Throughout the discussions, his delegation had made it clear that the Security Council had been involved only in defusing tension in the area. It was clear that it was up to the General Assembly to pronounce itself on the process of decolonization and, in addressing the Security Council at its 1850th meeting, he had stated *inter alia*:

“We see the problem in two different ways, though in totally unrelated dimensions. First, it is a question of defusing the current crisis, which, as I have already stated, has all the potential of escalating to a serious breach of the peace and security of the area. Second, there is the issue of the decolonization of the Territory as recognized, accepted and defended by the United Nations.

“It is our understanding that the first issue is what legitimately preoccupies the Council . . .

“This then brings us to the second problem. This is the issue of the decolonization of Western Sahara. Here we must first of all stress that it is imperative that the current crisis should not be allowed to develop to the point where it would threaten the application of the principle of decolonization with regard to the Territory.

“It is therefore obvious that this Council must guard against the creation of situations which might complicate the task of the General Assembly in regard to the implementation of the process of decolonization of Western Sahara.

“... .

“The General Assembly has a clear responsibility to pronounce on its position in the light of these develop-

ments and taking into account the express wishes of the people of the Territory.”

51. His delegation could not therefore accept, much less condone, any attempts at justifying faits accomplis which were clearly contrary to United Nations resolutions—even if such attempts were erroneously couched in language appearing to draw legitimacy from United Nations positions. Indeed, the Security Council had been specifically concerned with unilateral or other actions when it had adopted resolutions 377 (1975) and 379 (1975). Subsequently, it had adopted resolution 380 (1975), which, *inter alia*, called upon Morocco “to withdraw all the participants in the march from the territory of Western Sahara”. At the 1852nd meeting of the Council, his delegation had made its position unequivocally clear in the explanation of its vote on resolution 379 (1975), when it had asserted that:

“We believe that the resolution leaves no room for ambiguity or misinterpretation. The Council's will that the parties concerned and interested refrain from taking any unilateral or other action is clearly affirmed. In this connexion we wish to stress that the fact that this position has been unanimously endorsed by the Council eloquently demonstrates the Council's determination that nothing be done to alter the status of the Territory. My delegation wishes to underscore this point. We appeal to all parties concerned and interested to pay heed to this call by the Council. We emphasize the fact that the United Nations cannot and should not condone any attempts to create a fait accompli.

“... And as we express our confidence that the current decision of the Council will be positively responded to by those concerned in order to defuse tension and create conditions of normalcy so that the people of Western Sahara can exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV) and other relevant General Assembly resolutions, we should like to stress again, if we must, that nothing, absolutely nothing, should be done to tamper with the legitimate rights of the people of the Territory itself.”

52. Cardinal principles were involved in the issue before the Committee—a Committee set up specifically to promote the rights of Non-Self-Governing and Trust Territories. Its members would therefore do well to ponder seriously and solemnly on the matter as it faced its responsibilities regarding the decolonization of Spanish Sahara. First, there was the principle of self-determination, which had rightly been championed by the United Nations. Many members of the Committee, including the United Republic of Tanzania, owed their liberation and nationhood to the scrupulous belief in, respect for and observance of that principle. Could that principle be sacrificed because of expediency? An argument had been presented that the principle of self-determination should not be used to dismember a Territory. That was absolutely true. However, the application of the inviolability of territorial integrity had, in all honesty, no relevance in that connexion. The United Nations had treated Spanish Sahara as a Non-Self-Governing Territory. Those that were claiming the Territory had themselves at one time agreed that the Territory had a right to proceed freely to self-determination and independence. Furthermore, those who really attempted to rationalize

their arguments by quoting the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples were actually doing a disservice to the principles of decolonization. That Declaration dealt with colonial countries and peoples and not with independent States. Thus, in that connexion, it was the total or partial disruption of Spanish Sahara that was clearly in contravention of the provisions of the Declaration. He had had occasion to speak at length on that matter at the 2402nd plenary meeting, when he had deplored the French Government's manoeuvres calculated to dismember the unity and the territorial integrity of the Comoros. If necessary, he was prepared to elaborate further on that point.

53. In asserting the principle of self-determination and actively supporting the acceleration of the decolonization process of Spanish Sahara, his delegation did not, and indeed would be naïve to, contemplate automatic or stereotyped methods of achieving that process. The United Nations had a wealth of experience in the field of decolonization and, from his experience with the Special Committee, he was only too aware that a uniform set of standards on decolonization could not be applied. Every decolonization process must take into account the objective, particular, and at times peculiar circumstances of the Territory. However, one factor had been constant and overriding in the United Nations determination of the nature and the method of decolonization, and that was that the people themselves must decide their destiny: in other words, scrupulous respect for and observance of the principle of self-determination.

54. The interest of the United Nations was in the welfare of the people and, as members of the international community, the interest of members of the Committee was to ensure that the people of the Territory were given every available option. The decision was theirs, regardless of whether or not they opted for independence. That was the principle applied in every Non-Self-Governing Territory to which the United Nations had determined that the provisions of resolution 1514 (XV) were applicable. The same principle must be applied with regard to Spanish Sahara.

55. The Committee had been privileged to hear statements by all the parties concerned and interested, namely, the delegations of Spain, as administering Power (2170th and 2171st meetings), Morocco (2171st meeting), Mauritania (2173rd meeting) and Algeria (2170th and 2173rd meetings) and the representatives of the population of Spanish Sahara (*ibid.*). The Committee had heard differing views from the representatives of the liberation movements, including strong pleas for integration with either Morocco or Mauritania or both. It had also heard a powerful presentation against any integration or annexation and in favour of independence and the report of the Visiting Mission had, in impartial but eloquent terms, given a clear idea of the aspirations of the people in the Territory. All those presentations further reinforced the United Nations stand that the people themselves must decide their future. If the recommendations of the Visiting Mission, as adopted by the Special Committee (A/10023/Add.5, para. 11), were adopted by the Assembly as his delegation hoped, the people of Spanish Sahara would be able to decide freely what they desired. If they chose to be part of Morocco or

part of Mauritania or to be partly divided and merged into both entities, that was their sovereign right. The same applied if they opted for independence. In any event, the Assembly could and should only respect their free choice and judgement.

56. With respect to the policies of the administering Power, his delegation wished to remind it of its responsibilities under the terms of Chapter XI of the Charter of the United Nations, by which all administering Powers recognized the principle that the interests of the inhabitants of Non-Self-Governing Territories were paramount and accepted as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of the Territories. Spain still had that responsibility and any action that it might take contrary to its obligations under the Charter and contrary to the decisions of the United Nations were completely unacceptable to his delegation. In the past, his delegation had had occasion to deplore the negative attitude of the Spanish Government with respect to its policies in the Territory. More specifically, it had deplored Spain's non-co-operation with the United Nations by refusing to accept and facilitate the visit of a mission. When, however, in 1973 and 1974 the Spanish Government had adopted an attitude of co-operation with the United Nations, his delegation had reciprocated by extending its co-operation to Spain. It had praised the facilities and conditions which Spain had created to enable the Visiting Mission to carry out its work effectively and efficiently. It had supported Spain when that country had correctly persisted in upholding the principle of self-determination of the people of the Territory in accordance with United Nations resolutions. In the same spirit, it would regret and deplore any action that the Spanish Government might take that would ignore the legitimate aspirations of the people of Spanish Sahara, contrary to the decisions and resolutions of the United Nations. His delegation therefore solemnly called upon that Government, as administering Power, to be true to its sacred trust.

57. It was self-evident that the declaration of principles agreed on at Madrid on 14 November by the Government of Spain, on the one hand, and the Governments of Morocco and Mauritania, on the other (S/11880,³ annex III), did not conform to United Nations decisions and resolutions on the question. The rights of the people of Spanish Sahara were clearly subordinated to the territorial claims of some of its neighbours. In view of the stated position of both Morocco and Mauritania, it was not realistic to expect that a genuine exercise of self-determination could be realized when the Territory was already under the tripartite administration of Spain, Morocco and Mauritania. Quite clearly, the agreement ran counter to the responsibilities of the administering Power assumed under the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples. If that agreement, as it stood, was implemented, Spain would have clearly betrayed its sacred trust to the people of the Territory.

58. While his delegation had spoken at length on the question, it made no apologies for the comprehensive

³ See *Official Records of the Security Council, Thirtieth Year, Supplement for October, November and December 1975*.

treatment it had given to the matter, because the seriousness of the situation was well known and deserved utmost interest and circumspection. As he had already stated, cardinal principles were involved and the problems of the Sahara and how the United Nations dealt with them would have consequences not only in the Territory itself but also beyond its borders and even beyond the African continent. Could the United Nations afford to turn a blind eye and disregard a colonial people's right of self-determination and, if so, where would the line be drawn and what sort of precedents would it be setting? Could the United Nations accept such *faits accomplis* brought about contrary to its resolutions and decisions without jeopardizing the principles and causes it had so steadfastly espoused? There was also the matter of the importance of upholding and implementing resolutions and decisions of the United Nations and that question applied particularly to all those in the Organization who believed in it and were its beneficiaries. Could the United Nations join the chorus of the cynical few who considered its decisions and even the Organization itself to be irrelevant? Those were fundamental questions, which all must take into account when deliberating on that important question.

59. His delegation had spoken plainly and candidly on the question, but it wished to assure members of the Committee, if that assurance was at all necessary, that it had not been an easy thing to do. Indeed, it had been a painful exercise, because the United Republic of Tanzania enjoyed excellent brotherly and friendly ties with Morocco, Mauritania and Algeria. It valued that friendship and would do everything possible to strengthen it. The United Republic of Tanzania was also aware of the important contribution made by all the three brotherly States to the struggle for the liberation of the African continent. It was because of that friendship and brotherhood that he had spoken so frankly in outlining his Government's position, for its commitment to the decolonization of every inch of the African continent had repeatedly been made clear at all levels of governmental authority. It believed that the principles involved—self-determination, respect for the decisions of the United Nations, respect for existing frontiers, avoidance of legitimizing *faits accomplis* in international relations—were so fundamental and had such far-reaching implications that its position on them had to be made crystal clear within the United Nations.

60. Finally, both as the representative of the United Republic of Tanzania and as Chairman of the Special Committee, he wished fully and unequivocally to commend to the Committee the observations and conclusions of the Visiting Mission to Spanish Sahara as endorsed by the Special Committee. Only by adopting a decision based on those recommendations could the United Nations live up to the expectations not only of the people of Spanish Sahara but indeed of colonial peoples elsewhere. Furthermore, those were the type of recommendations and observations which, both in spirit and in letter, conformed to the decisions of OAU and many resolutions of the General Assembly. Those recommendations, if carried out, would provide a solid basis for genuine decolonization of Spanish Sahara. The presence of the United Nations in the Territory, as called for by the Mission and suggested by the Secretary-General in his consultations with the parties concerned and interested, would provide an appropriate

basis and mechanism for the holding of a referendum. Such a referendum would clearly determine the wishes of the indigenous population of Spanish Sahara and such a course of action would thus avoid the unacceptable situation of imposing a predetermined fate and destiny on the people.

61. Mr. PAQUI (Dahomey) said that his delegation found it all the easier to speak on the thorny and extremely delicate question of Western Sahara in that Dahomey's position was well known. It was clear because it was dictated by Dahomey's new national independence policy. It was clear because it was dictated by the principles of the United Nations in the matter of the inviolability of frontiers inherited from colonization. In other words, the position taken by Dahomey on the question of Western Sahara had been guided by those principles in the past; it was still guided by them now and it would continue to be guided by them in the future.

62. There was no need to add that there was a consistent logic in the attitude of his delegation, a logic which led some whose interests had been at stake in the past to have no hesitation in saying that Dahomey had been in the pay of a certain country. It was all the more ironic to note that it was those same delegations which now had no hesitation in implying that Dahomey was in the pay of a certain other country. If the defence of a principle according to a given logic and its consequences in political action necessarily signified that a State was in the pay of X or Y, his delegation would not even mention certain allegations. He wished, however, to make it clear to everyone that Dahomey was not prepared to give its allegiance to anyone and that when it took a position, it did so in complete freedom and independence.

63. The question under consideration was clear and should not give rise to any confusion. One had only to glance over the work done in the past by the Fourth Committee to recognize that there could be no question in the current instance, or in others, of endorsing the principle of a double standard. The question was whether it was normal, just or moral for other countries to decide the future of a given people, namely the Saharan people, without consulting the latter. The question was also whether the principle of self-determination embodied in the Declaration on the Granting of Independence to Colonial Countries and Peoples was applicable only to certain parts of the globe while in other parts that principle could be disregarded and a decision could be taken purely and simply to partition a territory without first consulting the indigenous people, who were the people mainly concerned, about their future.

64. His delegation had listened with interest to the statements made to the Committee by the various liberation movements putting their cases and it must state that those statements had left it more perplexed than ever, since it was the first time in human memory, it seemed, that a people was being offered freedom and independence and that some of its so-called authentic representatives had come to tell the Fourth Committee that they preferred a life of slavery under the pretext of an ill-defined allegiance to a crown.

65. There was no reason for despair, however, since it would be remembered that some administrations had been manoeuvred into coming in order to say that they did not

want independence, but that had not prevented them from subsequently coming to their senses and working for independence, which would probably come the following year.

66. His delegation's perplexity was all the greater in that, of the five movements that had presented themselves at the United Nations, only one was recognized in the report of the United Nations Visiting Mission (A/10023/Add.5, annex) as constituting a political movement with popular support. It was not surprising therefore to note that that was the only movement to call for independence. As for the other four movements, three claimed allegiance to the Moroccan sovereign, while the other called for reintegration with the motherland, Mauritania. The question therefore was in which direction the Committee should turn and whether it should launch into considerations which were beyond question artificial and prefabricated.

67. In accordance with the principle of divide and rule, so dear to colonialism, neo-colonialism and imperialism, the administering Power was now playing a game of collusion with interests opposed to those of the Saharan population. Spain wished to give up Western Sahara to be partitioned while protecting its neo-colonialist rear. In that context, surely it was clearly apparent that all the clauses of the so-called agreement were not and would not be known, especially those secret clauses which would enable Spain, too, to have its share of the booty, or rather the advantages of the manna which was Western Sahara. That manna was in fact all the more precious when it was known that, in view of its wealth, its economic potential and its small population, the country would have an extremely high *per capita* level of living compared with other African countries.

68. His delegation felt that, in order to settle the problem of Western Sahara, as it was presented, the Fourth Committee should, in addition to the previous relevant documents, take as a basis General Assembly resolution 3292 (XXIX), the report of the Visiting Mission, submitted by Mr. Aké, Ambassador of the Ivory Coast, to whom his delegation paid a deserved tribute for that detailed and impartial work, and, lastly, the advisory opinion of the International Court of Justice of 16 October 1975 (see A/10300). The conclusions of the Mission's report were clear. The report stated that while there were ties between the Saharan people and Morocco, on the one hand, and between the Saharan people and Mauritania, on the other, the majority of opinions gathered had been in favour of the application of the principles of self-determination and independence. Moreover, the opinion of the International Court of Justice left no shadow of a doubt, because in paragraph 162 it stipulated clearly that, while there existed ties of allegiance to the King of Morocco and territorial ties with Mauritania, those ties did not exclude the application to Western Sahara of the principle of self-determination and independence proclaimed in resolution 1514 (XV).

69. On the basis of those data, the Fourth Committee must decide its position without allowing itself to be diverted by underhand deals made outside the United Nations behind the backs of the Saharan people. The principle of self-determination was a sacred one, which the Committee should not allow to be trampled underfoot to

please some members who were guided by selfish, annexationist and expansionist aims, for, while General Assembly resolution 1514 (XV) condemned colonial domination, it did not encourage those who were party to it to have any such designs. Neither so-called ties of allegiance nor territorial ties could serve as pretexts to encourage such ambitions. In fact, if one were to refer to rights of allegiance, how many States Members of the United Nations would exist within their current territorial limits? It appeared that there had been an argument between the three concerned or interested parties. But in the case in question there were not only three parties. As far as was known, there were the administering Power and the Saharan people, the party mainly concerned, on the one hand, and Morocco, Mauritania and Algeria, as neighbouring countries, on the other. If there was to be a genuine and valid agreement, it could only be an agreement between all those parties, and his delegation could not recognize the right of some to negotiate while excluding others, including the Saharan people, who were central to the problem.

70. In other words, an agreement, no matter how many parties there were to it, which did not take account of the sacred principle of self-determination for the peoples under colonial administration, would not receive the approval of his delegation. Moreover, his delegation thought it was misleading to claim that the agreement in question had been concluded in accordance with Article 33 of the Charter, since it was the outcome of underhand dealings designed to present the international community with a *fait accompli*.

71. The only negotiations advocated by the Security Council, in accordance with that Article, were those which should have taken place under the auspices of the Secretary-General. Dahomey could not therefore give any consideration to a document obtained by roundabout means and it absolutely refused to recognize a *fait accompli*. In his country's view, the problem of the Sahara still remained in its entirety, despite the agreement, and nothing whatsoever should allow the Committee's attention to be diverted from it.

72. Moreover, it had been implied that the International Court of Justice had exceeded its competence by not limiting its replies to the two questions put to it. It should not be forgotten, in that connexion, that most of the African countries had not agreed to associate themselves with General Assembly resolution 3292 (XXIX), which his delegation had rightly described as perfidious, an epithet since confirmed by the facts; indeed, paragraph 1 included the phrase "without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV)". The International Court had therefore done no more than respond fully to the mission that the General Assembly had entrusted to it.

73. He did not wish to dwell on the subject, but the question could be fraught with consequences for the future, either in Africa or elsewhere, and the issue was too important to be avoided.

74. The view of his delegation could, however, be summed up as being, first, that Western Sahara was recognized as a

Territory to be decolonized by the United Nations and, as such, fell within the scope of the provisions of General Assembly resolution 1514 (XV).

75. Secondly, the principle of self-determination should be fully applied and, if the administering Power abdicated its responsibilities, the only body still capable of assuming them was the United Nations. Previously, there had been opposition to the organization of a referendum by the administering Power because, so it was said, such a referendum would be prefabricated and rigged. Now there was no longer even any talk of a referendum once the administering Power had withdrawn—the date set being 28 February—the only talk was of vague consultations under the auspices of a consortium of two or three countries. What had the administering Power been reproached with, and what was to be done? If the rights of allegiance that had been referred to, or the territorial ties that provided a motive for some fraternal neighbouring countries, were as solid as was implied, the only way to prove it was to allow the Saharan people the freedom to express their views in full knowledge of the facts, during consultations that should be held under the sole control of the United Nations without any unwarranted interference on the part of neighbouring countries. It was the course of justice and equity, and the course that good sense could and should dictate.

76. Thirdly, in the name of human dignity, there should be no question of the Fourth Committee, still less the General Assembly, endorsing a so-called agreement negotiated behind the backs of the Saharan people, since, even if there were only 10 inhabitants in the Sahara, they would have the right to choose their own future freely and not be forced to be subject to decisions imposed on them from outside. In other words, their opinion should take precedence over any Machiavellian machinations and over any bargaining.

77. Fourthly, once the Saharan people had expressed their views on their future, they would have to decide, in full sovereignty, whether they wished to be joined to one or other of their neighbours. Dahomey was opposed to any dismemberment of the State and consequently to any partition, and declared itself to be in favour of the independence and territorial integrity of Western Sahara.

78. Lastly, it followed from the foregoing that Dahomey condemned any annexationist or expansionist aims, from whatever source, from the super-Powers or from large, medium-sized or small States.

79. In conclusion, Dahomey made no claim to be in sole possession of the truth, but it did think that, since the position it defended was based on clear and intangible principles, which had always guided the actions of OAU and the United Nations, the Committee should have no difficulty in adopting that position and he hoped that, guided by a sense of justice and equity, the Fourth Committee would not let itself be intimidated by deals negotiated outside the United Nations and would pay no attention to the so-called agreements that had been concluded, which were contrary to the spirit and letter of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Committee should

therefore recommend that the General Assembly recognize the right to self-determination and independence of the Saharan people and leave it to the latter to determine subsequently their status with regard to their neighbours. Any annexationist or expansionist bargaining could only be a swindle if it was endorsed by the General Assembly, and the United Nations would certainly come to regret it later.

80. In any event, the Committee could be of use in that specific case only by not considering itself bound by a situation created with the obvious aim of embarrassing certain delegations.

81. Mr. JACKSON (Guyana) said that recently the situation in the Spanish Saharan region of the African continent had been a potential threat to the peace and security of the area. That situation now seemed to have been defused and the prospects for a peaceful settlement enhanced. It was perhaps against such a backdrop that attention could best be turned to the substantive issue, the decolonization of Spanish Sahara, which was legitimately before the Committee.

82. In acknowledging the steps taken by the Security Council, and other bodies, to defuse a potentially dangerous situation, it might be apposite to recall Security Council resolution 377 (1975). In that resolution, the Security Council, addressing itself to the issue of Spanish Sahara, recognized, as specified in the Charter of the United Nations, that it was the General Assembly which bore the responsibility of dealing with the decolonization of the Territory. Indeed, the Fourth Committee had had the question before it for some years. Whatever the attitudes of various administering Powers towards the decolonization of their colonial Territories had been, the attitude of the General Assembly had in large measure been unequivocal and unerring. The General Assembly should be proud of its record on decolonization and of its inestimable contribution towards ensuring that the peoples of so many Territories, many of which had since become Members of the Organization, had been able, through their own efforts and fully supported by the United Nations, to exercise their imprescriptible right to determine their own future and emerge from the cocoon of a degrading colonial status. It was true that several situations still existed in Africa and elsewhere where peoples still yearned for the opportunity to exercise that right. While the international community remained firm in its resolve to help those people to exercise that right, it was imperative that the Committee should not falter with respect to Spanish Sahara.

83. His delegation noted that the position of the administering Power, Spain, was—though that had not always been so—that it accepted the imperatives for decolonization and was willing to comply with the international requirements that the situation in Spanish Sahara dictated. His delegation also took into account the fact that neighbouring States were concerned and interested, not only in the process of decolonization of the Territory, but also in the results of the application of that process. Furthermore, his delegation noted that representatives of the people of Spanish Sahara had, quite naturally, a most relevant point of view on the future of their Territory and on their own future—a point of view they had forcefully expressed in the Committee and elsewhere.

84. The General Assembly should be fully aware of its responsibilities with respect to Spanish Sahara. As recently as one year before, in resolution 3292 (XXIX), it had taken a decision—which no one had voted against—to request the International Court of Justice to give an advisory opinion “without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV)” on some important legal aspects relating to the sovereignty of the Territory under review and to send a visiting mission to the Territory.

85. The situation which the Fourth Committee faced with respect to Spanish Sahara was that the administering Power was on record as being willing to facilitate the process of decolonization in accordance with the purposes and principles of the Charter; a United Nations Visiting Mission had been dispatched and had submitted its report (A/10023/Add.5, annex); an advisory opinion of the International Court of Justice had been sought and was currently before the Committee. His delegation fully supported the findings of the Visiting Mission, which had subsequently been endorsed by the Special Committee in chapter XIII of its report (see A/10023/Add.5, para. 11). It fully shared the view that “the General Assembly should take steps to enable those population groups to decide their own future in complete freedom and in an atmosphere of peace and security in accordance with the provisions of resolution 1514 (XV) and the relevant resolutions of the General Assembly”. (*Ibid.*, para. 11 (43).) His delegation accepted and stood by the advisory opinion of the International Court of Justice of 16 October 1975 (see A/10300), which left little room for ambiguity since it made it clear that no State in the area could legitimately claim sovereign rights over the Territory.

86. It was from that perspective that his delegation was obliged to view the public declaration of principles on Western Sahara by Spain, Morocco and Mauritania (see S/11880, annex II). That declaration clearly required careful study, especially since it had been concluded outside the ambit of the United Nations. However, his delegation was constrained to make the following preliminary observations on it: first, there was no indication that the people of the Territory had been consulted; second, all the parties concerned and interested had not been involved in the processes which had led to the declaration and they did not all subscribe to it; third, the declaration seemed, *prima facie*, to be in conflict with the recommendations of the Visiting Mission and the advisory opinion of the International Court of Justice; fourth, the declaration should be subject to the provisions of General Assembly resolution 3292 (XXIX), paragraph 3 of which stated *inter alia* that it was for the General Assembly to determine “the policy to be followed in order to accelerate the decolonization process in the Territory, in accordance with resolution 1514 (XV), in the best possible conditions, in the light of the advisory opinion to be given by the International Court of Justice”.

87. His delegation wished to make its position clear: it supported all efforts by Member States seeking peaceful solutions to problems and disputes which might arise between them. Article 33 of the Charter made provision for such mechanisms. His delegation, however, was no less committed to the precept that when the controversy

involved the future of a people in a colonial situation, the United Nations remained the watchdog over the process of decolonization, and the people remained the final arbiters of their own future. There were certain principles upon which his Government's national policy was founded and they were clear to the United Nations. Not least among them were the principle of non-interference in the affairs of other States and the principle of self-determination of peoples. Guyana's position on the outcome of the deliberations would be determined by its assessment of how the proposals put forward conformed to those principles.

88. Mr. KAMANA (Zambia) said there could be no doubt that the question of Spanish Sahara was one of the most important and intricate issues before the Committee and the United Nations as a whole. It was an issue involving one fundamental principle that had been passionately defended by the United Nations and which had literally been the preoccupation of many Member States for many years. Zambia continued to pay heavily, in human and material resources, for upholding that lofty principle: the principle of self-determination of peoples under colonial domination and minority rule. It was, indeed, that principle that had made it possible for many States to occupy their rightful places in the United Nations and to deal with their former colonizers as equal partners.

89. It was because his delegation realized the importance of the principle of self-determination and had a continuing interest in defending that principle that it felt obliged to intervene in the Committee's general debate on the question of Spanish Sahara. It had a particular sense of responsibility because it believed that the principle of self-determination was indivisible and had a universal character. It would be unjust and totally inadmissible to practise double standards in applying that principle, which simply could not and must not be applied on a selective basis.

90. When his delegation had spoken on the question of Belize at the Committee's 2166th meeting, it had stressed Zambia's resolute rejection of colonialism and had pointed out that under no circumstances could Zambia agree to substitute one colonial Power for another. In that regard, it had totally identified itself with the just struggle of the people of Belize for self-determination and independence. Unfortunately, there was a parallel between the claims of Guatemala over Belize on the one hand, and those of Morocco and Mauritania over Spanish Sahara on the other. In both cases, there were attempts to sacrifice the principle of self-determination on the altar of expedience. Policies of annexation and expansion were being pursued in total disregard of the aspirations of the inhabitants of the Territories concerned and the United Nations was being asked to bless those unjust designs.

91. Zambia's position with regard to Spanish Sahara was as firm and unequivocal as was its position with regard to Belize. It could not acquiesce in a scheme to Balkanize and arbitrarily cede Spanish Sahara to Morocco and Mauritania without due regard to the wishes of its people. Needless to say, any such event would create a most dangerous precedent and would have far-reaching implications for future United Nations work in the field of decolonization. The United Nations, if it entertained the claims of Morocco

and Mauritania, could no longer be credible; indeed, its moral right to insist on self-determination in many other cases that were pending would be brought into question, a situation which Zambia did not wish to see arise. The Committee was discussing the question of Spanish Sahara following the advisory opinion of the International Court of Justice of 16 October 1975, which the Organization itself had requested, and a visit to the Territory and the other countries concerned by a United Nations Visiting Mission. The Committee could not pretend that the opinion of the Court and the report of the Visiting Mission did not exist. They must, of necessity, form the basis of its consideration of the question of Spanish Sahara. As far as his delegation was concerned they remained valid and relevant and deserved the most serious attention of the Committee.

92. The Committee also had before it the text of a declaration of principles on Western Sahara by Spain, Morocco and Mauritania (see S/11880, annex III), in which there were three main elements. First, Spain agreed to terminate its colonial rule of the Territory. Second, a tripartite temporary administration by Spain, Morocco and Mauritania was set up. In that regard, Spain agreed to terminate its presence in the Territory altogether by 28 February 1976. Third, the declaration stated that the views of the Saharan population, expressed through the *Jema'a*, would be respected. Zambia could certainly not object to the decision of Spain to put an end to its colonial rule of Spanish Sahara. On the contrary, it very much welcomed that decision. However, it could not agree with the manner in which Spain had decided to end its colonialism. The declaration by Spain, Morocco and Mauritania was disquieting to say the least, for it was quite clear that the annexation of Spanish Sahara by Morocco and Mauritania was intended to follow the departure of Spain from the Territory. Spain had not only shaken off its responsibility for the Territory and its people, it had clearly also betrayed them by giving way to the claims of Morocco and Mauritania. Why that was so was, of course, subject to speculation. However, it was a truism that the so-called expression of views by the people of Spanish Sahara was nothing more than a mockery of the principle of self-determination. The destiny of the people of Spanish Sahara had already been determined for them and that was as incredible as it was untenable.

93. Both the International Court of Justice and the Visiting Mission had, in no uncertain terms, defended the right of the people of Spanish Sahara to genuine self-determination, the right to decide their own future in complete freedom and in an atmosphere of peace and security. Both the option of independence and the option of integration with Morocco and Mauritania would be open in such an exercise. The people would freely choose whichever they preferred, independence or integration. Surely Morocco and Mauritania should have nothing to fear in that regard if they were convinced that their historical connexions with Spanish Sahara were in themselves valid reasons for integration. Their sentiments could very well be those of the people of Spanish Sahara and could prove to be sentiments that could be expressed in a referendum. If that happened, Morocco and Mauritania could rejoice at having honourably accomplished their mission.

94. His delegation could only interpret the apparent reluctance of Morocco and Mauritania to allow the people of Spanish Sahara genuine self-determination as a realization on their part that the people would opt for independence. Indeed, that would appear to be the wish of the people of Spanish Sahara for, as the Visiting Mission had noted in the observations and conclusions endorsed by the Special Committee in chapter XIII of its report:

"Within the Territory, the Mission noted that the population, or at least almost all those persons encountered by the Mission, was categorically for independence and against the territorial claims of Morocco and Mauritania. The population expressed the wish that the United Nations, OAU and LAS [the League of Arab States] should help it to obtain and preserve its independence." (A/10023/Add.5, para. 11 (18).)

Such were the sentiments that Morocco and Mauritania appeared bent on suppressing. The reported wish of the people of Spanish Sahara that the United Nations should help them obtain and preserve their independence was not unreasonable. It was a cry for justice, which the Organization would do well not to ignore. The people of Spanish Sahara had every right to look to the United Nations for support and certainly the least that the United Nations could do for them was to insist that they be given an opportunity genuinely to exercise their right to self-determination and then, of course, to ensure that their choice was respected. His delegation was therefore in favour of a referendum in Spanish Sahara, which must be supervised by the United Nations. The claims of Morocco and Mauritania automatically disqualified them from supervising a credible referendum in the Territory. Furthermore, his delegation believed that the General Assembly must give enthusiastic and unqualified endorsement to the well-reasoned and objective conclusions of the United Nations Visiting Mission to Spanish Sahara.

95. In setting forth its views, his delegation had intended to be frank and unequivocal and had to add that it had been unpleasant to make such a statement. Morocco and Mauritania were not only African countries with which Zambia enjoyed very good relations, they were also countries with which Zambia had worked closely for many years, within OAU and the non-aligned movement and at the United Nations, to promote the cause of self-determination and independence, particularly of the countries and peoples of southern Africa. Given their fine record in supporting the liberation struggle in southern Africa and the friendly relations between them and Zambia, his delegation had felt it its duty to point out that it would obviously be an anomaly on their part to deny self-determination to the people of Spanish Sahara; if that were to be allowed by the international community, it would constitute a precedent of undesirable dimensions and unpalatable consequences for the future.

96. Mr. RABETAFIKA (Madagascar) said that the two initiatives taken the previous year, at the request and with the express consent of the concerned or interested parties, which had subsequently resulted in convergent findings, had given even the most sceptical grounds for believing that the liberation of Western Sahara would take place in conditions acceptable to all and in accordance with the

principles which the United Nations had always defended. When it had been decided to consult the International Court of Justice and to send a visiting mission to the Territory, there had been every reason to believe that those two moves, which could only be viewed in the context of decolonization, were to be complementary and that their expected outcome would create all the necessary conditions for the Assembly to be able to take a decision on the modalities for the exercise of self-determination by the Saharan people.

97. The role of the United Nations had thereby taken on a new dimension, since, on the one hand, it had been called upon to decide on the claims of the two interested parties according to the advisory opinion of the International Court of Justice, the only legal organ which the United Nations was bound, under the Charter, to recognize; on the other hand, it had to ensure, through the Visiting Mission, that the political aspirations of the Saharan people would be the determining factor in any solution which the United Nations might be led to propose to, or if necessary impose on, the administering Power.

98. It was therefore not surprising that, during the current debate, emphasis had been placed on the special responsibility of the United Nations, reference had been made principally to the opinion of the International Court and the recommendations of the Visiting Mission, and the situation had been studied in the light of General Assembly resolution 1514 (XV), which remained the only valid instrument when it came to defining United Nations policy in the matter of decolonization. If that had not been so, the whole exercise in which the Committee had been engaged since the previous year would have been in vain and it would then purely and simply have had to revert to the proposal made at the beginning of 1974 regarding the holding of a referendum on the future of Western Sahara. In that connexion, it should be noted that the doubts expressed regarding the sincerity and authenticity of such a referendum had made necessary the dispatch of the Visiting Mission, whose mandate, conceived in the spirit of Chapter XI of the Charter and in accordance with now accepted legal practice, had been to determine as precisely as possible the aspirations of the Saharan people.

99. The Visiting Mission had gone to the Territory. It had visited the urban and trading centres where the majority of the Saharans lived. It had noted that all but 18 per cent of the population had become settled. It had been able to meet the political leaders of the country. It had established contact with the representatives of the liberation movements, including the Frente POLISARIO and the Partido de la Unión Nacional Saharani (PUNS). It had ascertained the feelings of the Permanent Commission of the *Jema'a*, and those of the Saharans living in neighbouring countries. It had testified that those with whom it had spoken had been able to approach it in complete freedom, without any constraint or influence on the part of the administering Power. In short, the Mission had discharged its mandate in an objective, systematic, considered and responsible way, for which his delegation wished to commend it, in particular its Chairman, the Ambassador of the Ivory Coast, Mr. Siméon Aké.

100. Its conclusions were well known: "the population, or at least almost all those persons encountered by the

Mission, was categorically for independence and against the territorial claims of Morocco and Mauritania" (*ibid.*). That sentence, which had been quoted several times by previous speakers, had the merit of being honest and clear. It confirmed the existence of a political consciousness in the Territory, which wished its identity recognized by the international community. The United Nations, as an Organization, could not reopen a question which had been established by the Visiting Mission; but if, by chance, the argument was accepted that new developments had occurred which justified a total about-turn by the Saharan people between the end of the Mission and the consideration of its report, it was essential either to confirm or set aside the pre-referendum carried out by the Mission by holding a referendum under the auspices of the United Nations, in consultation with the interested parties, in order to avoid any dispute. That, moreover, was in line with what the Secretary-General had advocated following the talks that he or his representative had had with the Spanish, Moroccan, Mauritanian and Algerian authorities after the adoption of Security Council resolutions 377 (1975), 378 (1975) and 380 (1975) in October. That would be the logical result of the permanent commitment undertaken regarding the implementation of General Assembly resolution 1514 (XV) and of the expansion of the role and responsibilities of the United Nations to which he had referred at the beginning of his statement. Thus, it would be shown that the principle of self-determination could not be arbitrarily or unilaterally subordinated to essentially political contingencies.

101. It should be recognized, however, that the organization of a referendum, which had been called for on several occasions by the General Assembly and finally agreed to by Spain in 1974, had been suspended temporarily only to enable the International Court of Justice to comply with the request for an advisory opinion to which resolution 3292 (XXIX) referred.

102. With respect to the procedure that had been undertaken in pursuance of that request, it should not be forgotten that to the extent that the questions asked of the Court had originated from the arguments of Morocco and Mauritania, it had been incumbent upon those States to convince the judges that there had been legal ties between Western Sahara and themselves at the time of colonization by Spain. Yet, neither Morocco nor Mauritania had been able to prove irrefutably that Western Sahara had rightly belonged to them, wholly or in part, or that the colonization of the Sahara by Spain had involved the dismemberment of their national territory, even though the United Nations would be the first to denounce any direct or indirect attempt to destroy the territorial integrity of those two fraternal countries.

103. In its advisory opinion of 10 October 1975 (see A/10300), the Court had acknowledged the existence, at the period under consideration, of ties of allegiance with some of the tribes of the nomadic peoples in the Territory, which had not been subject to Morocco's territorial sovereignty, since the latter had not exercised effective and exclusive State control there. Furthermore, international recognition by other States of Moroccan territorial sovereignty over Western Sahara had not been established before the Court.

104. The Court had concluded, moreover, that at the time of colonization by Spain there had not existed between Western Sahara and the Mauritanian entity any tie of sovereignty, or of allegiance of tribes, or of "simple inclusion" in the same legal entity. It had, however, recognized that the tribes concerned had rights relating to the land over which they roamed.

105. There could therefore be no misunderstanding of the fact that the Court had stated in paragraph 162 of its opinion that it had not found "legal ties of such a nature as might affect the application of . . . the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory".

106. In reconciling that opinion of the International Court of Justice with the findings of the Visiting Mission, the following conclusions might be drawn: first, the principle of self-determination was applicable to the Territory in accordance with the provisions of resolution 1514 (XV); secondly, the Saharan people had the will and the capacity for free self-determination; thirdly, the legal ties, as defined by the Court, could not impede the exercise of the right to self-determination by the Saharan people; fourthly, the Saharan people had rejected the territorial claims of Morocco and Mauritania; and fifthly, in the circumstances, there was not sufficient legal basis for any unilateral integration of Spanish Sahara with, or retrocession to, another country.

107. It could be argued that those conclusions were based on the absolute application of a principle which could be widely interpreted and could run counter to another principle laid down in the Charter, namely, that of territorial integrity. His delegation willingly agreed that the Saharan people could at any time affirm their identity in what seemed to them to be the most appropriate manner: the provisions of General Assembly resolution 1514 (XV) gave them full rights in that respect, it being understood, however, that if the expression of that affirmation were to be genuine, and therefore validly recognized by the international community, the manner should not be pre-determined and the principle of territorial integrity should not be improperly advanced in order to deny the rights of a people which was not yet integrated.

108. Yet in past weeks, and even more recently, he had noted with the greatest concern the fact that unilateral initiatives tended to impose a system on the Saharans which had already been formally called into question by the International Court of Justice and which did not offer sufficient guarantees for the respect of the rights of the Saharans, the safeguarding of their own interests, and the maintenance of peace and security in the region.

109. Indeed, on 14 November 1975, a declaration of principles (see S/11880, annex III) had been agreed on at Madrid following negotiations between Spain, Mauritania and Morocco. There again, he would have liked to believe that there could be no conflict between the obligations stemming from that declaration and those assumed under the Charter, which recognized the right to self-determination and on which resolution 1514 (XV) was based. But if that were the case, how could the administering Power reconcile the proposed transfer of sovereignty with

the responsibilities it had assumed in the United Nations with respect to the Saharan people under Chapter XI of the Charter? Could the administering Power consider itself authorized to cede the inalienable rights of the Saharan people to third parties? Or should it be concluded that Spain was denying the Saharan people the right to self-determination and to international sovereignty, which was the corollary to it? The proposed retrocession therefore seemed contrary to Spain's obligations and responsibilities as administering Power, which, under Article 103 of the Charter, took precedence over the undertakings it had entered into in the Madrid declaration of principles.

110. Furthermore, apart from the fact that the United Nations had been completely ignored in that new process of decolonization, it was difficult to see how it could endorse a declaration which ran counter to what it expected of an administering Power and which presented the Saharan people with a *fait accompli*.

111. Finally, his delegation could not understand how the agreement between the United Nations, on the one hand, and the concerned or interested parties on the other, as understood in the resolutions on Western Sahara that had been adopted in recent years, could have been deliberately broken. The rule had been that all negotiations, all consultations and all decisions regarding the Territory would be carried out or taken with the participation of the four concerned or interested countries, namely, Spain, Algeria, Morocco and Mauritania, and that the interests and rights of the Saharans should be paramount.

112. The exclusion of the United Nations and one of the concerned or interested parties, the denial by the administering Power of the rights of the Saharan people and the imposition on the Saharan people of a *fait accompli* without their being given the option of fully exercising their right to self-determination were a combination of acts the seriousness of which could only have adverse repercussions on the maintenance of peace and co-operation in the region. The United Nations must ensure a return to more orthodox methods, in which the spirit of conciliation should prevail, above all, in order to normalize a situation that was unfortunately deteriorating.

113. The administering Power might find in the situation created by the Madrid declaration an expedient which would enable it to rid itself of its responsibilities at little cost. Perhaps the two other interested parties thought that they could thus gain acceptance for points of view whose merits had been to some extent disputed—that was the least that could be said—by the International Court of Justice and by the United Nations Visiting Mission.

114. Referring to the convergent and complementary conclusions of the Court and the Visiting Mission, he would simply state that, before any consideration, accommodation or claim, the motivations and scope of which could be understood, was taken into account, the Saharans, wherever and whoever they might be, should be left to determine their destiny freely and genuinely in Western Sahara as it was currently constituted.

115. Mr. AMPAT (Congo) said that, in view of the complexity of the question of so-called Spanish Sahara,

which had been allocated to the Fourth Committee for consideration, his delegation had asked to speak in order to attempt to bring out briefly some fundamental principles that should be respected in connexion with the decolonization of the Territory.

116. First, attention should be drawn to the administering Power's obligations under Chapter XI of the United Nations Charter, in particular Article 73, and the provisions of the relevant General Assembly resolutions, in particular resolutions 1514 (XV), 2621 (XXV), 3292 (XXIX) and 3328 (XXIX) which proved the inalienable right of the people of the Sahara to self-determination and independence.

117. In that connexion, it should be remembered that the problem posed by the process which had been undertaken to decolonize Western Sahara remained within the competence of the General Assembly. Consequently, any unilateral action by "concerned and interested parties", as it had been decided to call them—in other words, of course, Algeria, Morocco and Mauritania—could only give rise to doubts in a matter that was already sufficiently complex. It was for that reason that, despite the steadfast and fraternal relations of trust which bound the Congo to the fraternal Mauritanian and Moroccan States, his delegation could not but be sceptical at the announcement of the agreement reached between the Spanish Government, on the one hand, and the Moroccan and Mauritanian Governments, on the other. The Congolese people were concerned at a procedure which was curious in all respects, hastily undertaken, outside the United Nations, and which from all the evidence was detrimental to the very existence of the people of Western Sahara. He strongly appealed to the Spanish Government to put an end to its divisive manoeuvres in North Africa. The Spanish Government, as administering Power, was, and continued to be, fully responsible for the situation in Western Sahara. It should report, whenever necessary, to the General Assembly on the evolution of the problem posed by the decolonization of that Non-Self-Governing Territory.

118. In addition to the documents that had just been mentioned, the Committee had before it a useful report by the United Nations Visiting Mission (A/10023/Add.5, annex), on which his delegation warmly congratulated the Mission. The report contained adequate information that demonstrated the unshakable will of that people to decide freely their own destiny. Indeed, within the Territory, the Mission had noted that the population, or at least almost all those persons encountered by the Mission, had been categorically in favour of independence. The population had expressed the wish that the United Nations, OAU and the League of Arab States should help it to obtain and preserve its independence. The population had shown by its mass demonstrations and statements that it supported the objectives of the Frente POLISARIO, a movement which appeared as a dominant political force in the Territory, and those of PUNS, both of which favoured the independence of the Territory.

119. In view of the foregoing, his delegation believed that so-called Spanish Sahara should be decolonized in accordance with the principles established by the United Nations and OAU, by giving the indigenous population the oppor-

tunity to exercise its right to self-determination and freely to decide its future.

120. The Government of the People's Republic of the Congo remained convinced that respect for the will of the Saharan people for self-determination and independence was an important condition, which would be conducive to the promotion of a climate of fraternal understanding and peace among the countries of that subregion of Africa.

121. The position of the Congolese Government on the problem of the decolonization of so-called Spanish Sahara was in accordance with the spirit of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima from 25 to 30 August 1975. That Conference had demanded that the administering Power abstain from taking any unilateral action within the Territory until the United Nations General Assembly had taken a stand on the policy to be followed with a view to its decolonization, and that the process of total decolonization of the Territory be accelerated.

122. The United Nations should therefore, in implementing the resolutions that it had adopted on the decolonization of so-called Spanish Sahara, use all possible means to ensure the speedy accession of the Saharan people to self-determination and independence.

123. Any solution recommended by the Committee which did not clearly reaffirm the inalienable right of the people of so-called Spanish Sahara to self-determination and independence would not receive the support of his delegation.

124. Mr. BATAYNEH (Jordan) said that the international community had recently witnessed the collapse of the colonial structure and its disappearance in several regions of the world. Similarly, the great African continent had thrown off the yoke of colonialism, which only persisted in a few enclaves that would certainly be liberated in the near future. The determination of the international community to eliminate colonialism wherever it was found was demonstrated in the consideration of the question of Spanish Sahara, the liberation of that Territory from foreign domination and its return to the motherland; Western Sahara had been, and still was, an Arab land, which had been partitioned at the time when the great Maghreb had been subjected to Spanish and French colonialism.

125. His delegation saw the recovery of the occupied parts of the great Maghreb as an opportunity for the international community to encourage and support all countries which had been divided by colonial policies and to promote the integrity of a territory and a people which had long been victims of partition and exploitation. That recovery also offered an opportunity to pay a tribute to the long struggle waged by the people of Western Sahara to free themselves from foreign domination.

126. He felt that the efforts made in that field by the Special Committee should also be commended. Chapter XIII of the Special Committee's report (A/10023/Add.5) had supported the constant efforts of the United Nations to achieve a just solution to the problem of Western Sahara. The General Assembly and the Security Council had

adopted several important resolutions since 1965, with a view to putting an end to foreign domination in that region.

127. His delegation welcomed the position recently taken by the Spanish Government, which was responsible for the administration of that Territory and which, having noted that the process of decolonization was irreversible, had adopted constructive measures with a view to restoring the Territory to its lawful owners.

128. For several years Jordan had followed the question with all due attention. It had always been convinced that all neighbouring countries would allow themselves to be guided by a spirit of sincere brotherhood, a spirit which had been clearly apparent during the consideration of the question in the United Nations and elsewhere. Jordan maintained the closest fraternal relations with all the Arab countries bordering on Western Sahara and it hoped that the stability and the good fraternal relations of all those countries would be maintained after the end of foreign domination of the Sahara.

129. In that spirit, his delegation welcomed the tripartite declaration of principles signed at Madrid on 14 November 1975 (S/11880, annex III), which ensured the attainment of that primary objective—the end of foreign domination—and which guaranteed its brothers in the Sahara a dignified national future.

130. He was convinced that the advisory opinion of the International Court of Justice of 16 October 1975 (see A/10300) proved the existence of ancient historical ties between the populations of the Sahara, the Kingdom of Morocco and Mauritania, ties which should be taken into consideration. The countries of North Africa had suffered much from colonialism and dismemberment and for that

reason the liberation of the rest of the region from foreign domination and the restoration of its natural unity were regarded by Jordan as a source of satisfaction and represented a natural and just course.

131. His delegation therefore considered that the tripartite agreement concluded at Madrid offered a valid and adequate solution to the question, a solution which preserved the legitimate national rights of the populations of the Sahara and guaranteed the historical integrity of their Territory.

132. His delegation welcomed the fact that Morocco and Mauritania had affirmed that they were concerned that the agreement should be applied in accordance with the wishes of the Saharan people. The temporary tripartite administration would ensure a return to normal, which would enable the refugees to return home.

133. The Jordanian Government had always supported the efforts made in recent years to put an end to the foreign presence in the Sahara and it would continue to support the liberation measures that had been agreed upon.

134. Jordan appealed to the fraternal countries of North Africa to join efforts in a spirit of fraternity with a view to ensuring the stability and unity of North Africa. Jordan, which was bound to Morocco, Mauritania and Algeria by the closest fraternal ties, hoped that relations of fraternity and co-operation would always exist between them, since it was a well-known fact that those fraternal countries all valued their solidarity and were fighting together to achieve the same noble aims.

The meeting rose at 11.25 p.m.

2175th meeting

Thursday, 27 November 1975, at 10.50 a.m.

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

A/C.4/SR.2175

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 (parts I, II and IV), A/10023/Add.5, A/10023/Add.6 (parts I and II), A/10023/Add.7, A/10023/Add.8 (part III), A/10082, A/10095, A/10097, A/10101, A/10104, A/10175, A/10300, A/10326-S/11862, A/10337-S/11872, A/10373-S/11881, A/C.4/804, A/C.4/L.1115)

QUESTION OF SPANISH SAHARA: GENERAL DEBATE (continued)

1. Mr. PAVIČEVIĆ (Yugoslavia)* said that Yugoslavia had always urged the complete, unconditional and immediate decolonization of Western Sahara on the basis of the

* The statement by the representative of Yugoslavia and subsequent statements on the question of Spanish Sahara made at this meeting are reproduced *in extenso* in accordance with the decision taken by the Committee at its 2168th meeting.