

Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic.

Against: France.

Abstaining: Denmark, Germany (Federal Republic of), Greece, Ireland, Italy, Lebanon, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Belgium.

Draft resolution A/C.4/L.1115 was adopted by 111 votes to 1, with 10 abstentions.

Mr. Araim (Iraq), Vice-Chairman, took the Chair.

107. Mr. RETALIS (Greece) said that he had abstained in the vote on draft resolution A/C.4/L.1115 because he did not think that the Fourth Committee was the appropriate forum for dealing with the question of nuclear tests.

The meeting rose at 12.55 p.m.

2177th meeting

Friday, 28 November 1975, at 3.25 p.m.

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

A/C.4/SR.2177

In the absence of the Chairman, Mr. Araim (Iraq), Vice-Chairman, took the Chair.

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.8 (part III), A/10082, A/10095, A/10097, A/10101, A/10104, A/10300, A/10326-S/11862, A/10337-S/11872, A/10373-S/11881, A/C.4/804)

QUESTION OF SPANISH SAHARA: GENERAL DEBATE (continued)

1. Mr. STRASSER (Austria)* said that the thirtieth session of the General Assembly had been characterized thus far by its exceptional contribution to the accomplishment of one of the tasks which the United Nations had closest at heart, namely, decolonization.

2. During the current session of the General Assembly, the international community had had the pleasure of welcoming five new countries among its members. Before the session came to an end, at least a sixth member would be joining.

3. His delegation welcomed those developments and wished to take the opportunity to associate itself with all those delegations that had expressed their appreciation during the current debate to the former administering

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

Powers, which had made such determined efforts to bring about decolonization on the basis of the letter and the spirit of Article 73 of the Charter of the United Nations.

4. His delegation also congratulated Spain, which in recent years, and particularly in recent months, had made imaginative efforts to bring Western Sahara out of the colonial era and to open the way for the Saharan people to enjoy a new freely determined future.

5. Austria had always insisted that the process of decolonization should proceed peacefully and with the agreement of all the parties concerned. In the past, that approach had never failed to serve the cause of peace and the stability of regions undergoing decolonization and, in particular, to contribute to the establishment of relations of good neighbourliness and to strengthen bonds of unity, at least in a historical sense, among peoples.

6. It was precisely in that state of mind that his delegation was approaching the question. Its attitude was based, it should be emphasized, on the respect and friendship it felt for all the parties concerned and on its wish that a solution would be found which the three States bordering Western Sahara—Algeria, Morocco and Mauritania, all countries with which Austria maintained close and friendly relations—could accept without reservation.

7. Motivated by that spirit, and therefore not wishing to refer once again to the discussions held in the Security Council or to the outcome of the negotiations between the parties in accordance with Article 33 of the Charter, his delegation insisted that the implementation of the principles enunciated in General Assembly resolution 1514 (XV) concerning decolonization must continue to be one of the guiding principles in the search for a solution to the question.

8. Against that background, his delegation expressed the fervent hope that that question of decolonization and the right of peoples to self-determination would cease to sow discord among the members of the international community, particularly among those who should be the first to propose a solution that could be adopted unanimously.

9. Mr. DRISS (Tunisia) said that among the many problems receiving the Committee's attention, the question of Western Sahara was of particular, and even historical, importance during the current year. Tunisia belonged to the geographical area in which the Sahara was situated and it attached special and understandable importance to the solution of that decolonization issue, which had been before the United Nations for many years. That interest derived above all from a position of principle, one which prompted Tunisia to call for the decolonization of every Territory under foreign colonial domination, and General Assembly resolution 1514 (XV) was the major instrument for the implementation of that principle. His delegation's interest also stemmed from the friendly relations that Tunisia maintained with the parties involved, namely, the countries of the Maghreb, whose attitude his delegation understood and with which it shared the same destiny. The decolonization of Western Sahara was itself one step in the long struggle of those brother nations to free themselves from colonial domination, and a prelude to close ties of co-operation among those countries and their peoples. Motivated by that spirit of solidarity, his delegation had supported General Assembly resolution 3292 (XXIX), in which the Assembly had requested an advisory opinion of the International Court of Justice and the dispatch of a Visiting Mission to the Territory by the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. With the adoption of those two decisions, both the General Assembly and the Special Committee had indicated that the circumstances for the implementation of General Assembly resolution 1514 (XV) could vary depending on the situation.

10. He recalled the statement by the Minister for Foreign Affairs of Tunisia on 1 October 1975 (2369th plenary meeting), from which he quoted the following paragraph concerning Western Sahara:

"During the last session we considered the question of the Western Sahara, which is part of the problem of decolonization. Today we are moving towards an equitable solution. A United Nations Visiting Mission has been to the area; the International Court of Justice has handed down the advisory opinion which was requested of it; furthermore, Spain has made known its determination to withdraw from the area. Morocco and Mauritania have had the good sense to move towards concertation and co-operation with a view to a peaceful settlement, to the satisfaction of both parties. It is our hope that that process will proceed apace and that no obstacle will be allowed to stand in the way until it is possible for the parties concerned, under the auspices of the United Nations, to reach a peaceful and final settlement, guaranteeing peace, stability and good neighbourliness."

11. There had been many developments since that time, in particular, the Green March, the meetings and decisions of

the Security Council and, lastly, the tripartite agreement between Spain, Morocco and Mauritania, contained in the declaration of principles signed at Madrid on 14 November 1975 (S/11880,¹ annex III).

12. During the recent tension-fraught weeks, his Government, while maintaining that the solution to the Sahara question lay primarily in agreement between Mauritania and Morocco, had spared no effort to preserve an atmosphere of friendship and co-operation among the countries of the Maghreb. Accordingly, President Bourguiba had joined with the President of the French Republic, Mr. Giscard d'Estaing, on the occasion of the latter's visit to Tunisia, in sending a joint message to His Majesty the King of Morocco on 7 November 1975. The relevant paragraph of the joint communiqué issued at the conclusion of the French-Tunisian talks on 8 November read as follows:

"Both delegations also raised the question of Western Sahara. They expressed the wish that a just and peaceful solution would be reached in accordance with the principles of the United Nations Charter so that peace, stability and good-neighbourly relations among States in the area would be guaranteed."

13. Having in mind the peace and stability of the area and neighbourly relations among fraternal countries, his delegation therefore called upon the General Assembly to give close consideration to the question of the Sahara, not only in the light of its relevant resolutions but also taking into account the fact that the problem of Western Sahara did not present itself in terms of one nation's claim to recover its rights but rather in terms of a population made up of elements belonging ethnically to the Moroccan and Mauritanian peoples.

14. Moreover, in the recent years of rapid decolonization, that population had not, as had others in Africa, manifested its desire to become an independent State. The population of the country seemed to be under 100,000 and, moreover, the allegiance of the inhabitants was divided among a number of authorities. The Visiting Mission had, in the observations and conclusions endorsed by the Special Committee in chapter XIII of its report, taken the view that it was important to establish who was and who was not a Saharan belonging to the Territory (see A/10023/Add.5, para. 11 (35)).

15. The experience of recent years had revealed that, in order to resolve the question of Western Sahara through the implementation of General Assembly resolution 1514 (XV), it was necessary to seek a more effective approach than that taken so far, which had consisted of vain attempts to reconcile the administering Power, the United Nations and the parties concerned and interested which had been unable to agree on the implementation of the resolutions adopted by the General Assembly.

16. As delicate as the problem was, it could now be perceived more clearly. In addition to such basic documents as the texts of the resolutions adopted by the General Assembly at the various sessions at which it had considered

¹ See *Official Records of the Security Council, Thirtieth Year, Supplement for October, November and December 1975*.

the question and the records of the deliberations of the Special Committee, the Assembly had before it the advisory opinion of the International Court of Justice, of 16 October 1975 (see A/10300), Security Council resolutions 377 (1975), 379 (1975) and 380 (1975), the report of the Visiting Mission (A/10023/Add.5, annex) and, finally, the agreement reached at Madrid on 14 November between Mauritania, Morocco and Spain (S/11880, annex III).

17. Those texts constituted a set of documents which the General Assembly should take as the basis for making a concrete analysis of the actual situation in the Sahara and, subsequently, for adopting a position in accordance with the principles of justice and peace.

18. In the view of his Government, the question of Western Sahara called for a solution in conformity with the historical, social and political realities of the area.

19. In its reply to the two specific questions posed by the General Assembly, the International Court of Justice had affirmed that ties did exist between Western Sahara and Morocco, on the one hand, and between Mauritania and Western Sahara, on the other.

20. He drew attention to the report of the Visiting Mission, which provided ample details concerning the character and way of life of the peoples of Western Sahara, and read out the following observation of the Mission:

“Because of their nomadic way of life, the people of the Territory move easily across the borders to the neighbouring countries, where they are received by members of their tribes or even of their families. This ebb and flow of people across the borders of the Territory makes it difficult to take a complete census of the inhabitants of Spanish Sahara and also poses the complex problem of the identification of the Saharans of the Territory and makes it even more difficult to take a satisfactory census of refugees.” (A/10023/Add.5, para. 11 (8).)

21. In the view of his Government, the idea of consulting the people for the purpose of establishing an independent State on that basis should quite simply be ruled out. Moreover, his delegation believed that decolonization and self-determination did not necessarily have to lead to the establishment of a weak and disputed State, whose precarious existence would make it a source of strife and tension. The tripartite agreement, which was based on a realistic appraisal of the problem, had created a new situation. After 28 February 1976, the United Nations would no longer be dealing with an administering Power. By that time, the decolonization of the Sahara would be an undeniable fact. That fact should be viewed as an important historical development, and it was to be hoped that it would be a factor for stability and harmony among the neighbouring countries.

22. Prescinding from the question of the decolonization of the Sahara, Tunisia remained steadfast in supporting the consolidation of co-operative and neighbourly relations between all the fraternal countries of the Maghreb. The common ideal that inspired them all could come to fruition only in harmony, stability and peace.

23. The General Assembly should ensure that the decision it adopted in the current year on the question of the Sahara would strengthen the tendency towards stability and co-operation. In upholding the principles that its Members unanimously defended, the United Nations must take account of the realities of a world that was constantly changing and that required the Organization to display foresight and moderation and to protect at all times the possibilities of justice and peace.

24. In that spirit and in order to contribute to the search for a reasonable solution to the problems before the Fourth Committee, Tunisia would be a sponsor of draft resolution A/C.4/L.1120, which was to be circulated shortly.

25. That draft resolution took into account the principles upheld by Tunisia and the realities of the area, and also recalled all the documents he had mentioned, namely, the opinion of the International Court of Justice, the relevant resolutions of the United Nations and in particular the resolutions of the Security Council, the report of the Visiting Mission and, finally, the agreement reached at Madrid on 14 November between Mauritania, Morocco and Spain.

26. The draft resolution reaffirmed the right to self-determination, in accordance with General Assembly resolution 1514 (XV), of the Saharan populations originating in the Territory and provided that they should express their will freely in the presence of a United Nations observer.

27. His delegation hoped that the draft resolution would enable the Fourth Committee and the General Assembly to take a decision regarding the question of Western Sahara.

28. Mr. ROSSIDES (Cyprus) said that the question of Spanish Sahara was included under agenda item 23, on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Committee had before it the advisory opinion of the International Court of Justice and the report of the Visiting Mission; in addition, the United Nations had for the past 10 years been adopting resolutions calling for self-determination for the people of Western Sahara. There was no question but that the people should exercise their right to self-determination in accordance with the United Nations Charter. It should not have been necessary to apply to the International Court of Justice for an advisory opinion, because the Charter prevailed and the established practice under the Charter had been for the people who were being decolonized to be given self-determination. It was fortunate that the conclusion reached by the Court accorded with the Charter; a very difficult situation would have arisen if the Court had reached a different conclusion.

29. It was true that the existence of the links claimed by Morocco had been confirmed by the Court in the case of some of the tribes living in the Territory. It was equally true that the Court had reaffirmed the existence of some rights relating to the land which constituted legal ties between Mauritania and Western Sahara. If anything, Mauritania's claim seemed to be stronger than that of Morocco. Nevertheless, the legal position was that, under the Charter, the people of Western Sahara had the right to self-determination unconditionally. The question of links

belonged to past ages. In modern times there should be no way of diluting the principle of self-determination. Cyprus, too, had experienced intervention to prevent self-determination, and was suffering the consequences. The people of Western Sahara must be allowed to exercise self-determination under United Nations auspices, through a referendum conducted in accordance with the normal procedure for ascertaining the wishes of the people in the proper exercise of self-determination, in conditions of complete freedom without outside intervention or pressure of any kind.

30. It was inconceivable that any neighbouring State should intervene under any pretext whatsoever in order to bring about a change in the situation, by using force or other means, by removing people from one part of the Territory, or by bringing people from elsewhere to the land usurped from those who had been removed, and then claim within a year or so that there were new realities. But what were those realities? Were they brought about by force?

31. Western Sahara should be saved from the sufferings of Cyprus. The people should be permitted to decide their own future freely, without intervention, without conditions, and without regard to interests in the subsoil, in one case, or strategic interests in the other, which were creating a situation of war and abnormality. The international community must abide by the Charter.

32. Mr. SLAOUI (Morocco) recalled that, some days earlier, at the 2173rd meeting, the President of the *Jema'a* of Western Sahara and the Secretary-General of the Partido de la Unión Nacional Saharani (PUNS) had addressed the Fourth Committee.

33. Those two speakers had clearly confirmed the will of the Saharan population not to allow themselves to be deceived by all the manoeuvres designed to isolate them for a specific purpose, and their determination to become part of Morocco or Mauritania, according to the affinities of each tribe and the possibilities open to them, as determined by a common past and similar aspirations.

34. The importance of the two speakers, the function they performed among the Saharan people and the representativeness of the institutions on whose behalf they had spoken, as evidenced by the report of the Visiting Mission, gave their statements real weight and the positions adopted by them indisputable authority, which constituted an additional element in the series of events in the development of the question of Western Sahara.

35. Furthermore, at the 2170th meeting the Fourth Committee had heard the representatives of the Premier mouvement de lutte contre l'occupation espagnole du Sahara (MOREHOB) and the Front de libération et de l'unité (FLU) express similar views and maintain the same position.

36. Consequently, taking into account the statement made at the 2173rd meeting by the representative of Mauritania, who had upheld the claims of that brother country, it was obvious that the entire Saharan population was on the side of Morocco and Mauritania in their legitimate struggle to attain full national unity and territorial integrity.

37. He noted that, when he had said in his first statement on the subject (2171st meeting) that the matter before the Committee could no longer be understood, far less discussed, without taking into account the new developments that had come to light since 16 October 1975, he had been referring to many indisputable factual events including, of course, the position adopted on the matter by the authorized representatives of the populations.

38. It was essential to understand properly and to acknowledge that Morocco and Mauritania, by respecting the positions adopted by the United Nations, implementing the policies it had laid down and applying the principles advocated by the international community, had reached the only possible conclusions and had set in motion the only possible procedure, based on all the aspects of the situation and taking account of every new development which it had been possible to ascertain or reconstruct.

39. The International Court of Justice had given its opinion on 16 October 1975.

40. In that document, the Court had recognized the existence of legal ties of allegiance between the Sahara and Morocco, and of legal ties of a territorial nature between the Sahara and Mauritania.

41. On the same day, His Majesty King Hassan II had decided, on the basis of such an authoritative opinion, to translate into concrete form the unanimous will of the Moroccan people to be reunited with their compatriots in the Sahara in a peaceful march: the Green March. In the course of that march, the Moroccan people had demonstrated their maturity, their prudence and their determination, and had expressed their unshakable will to attain full integrity. They had also demonstrated that they had not been motivated by any sense of hostility towards anyone and that they had been endeavouring above all to defend Moroccan authenticity, embodied by those Territories which had seen the birth of the greatest dynasties of Morocco and which had constituted the melting-pot of its most dearly held values.

42. The Green March had been the result, therefore, of a national upsurge and a sense of solidarity. Its legitimacy was derived from the ardent desire of all to find their homeland, beyond a fictitious border imposed during colonization. It had been conducted with dignity.

43. However, some States had misunderstood the meaning of that march and had felt themselves duty-bound to inform the Security Council of the alleged risks of such an initiative to international peace and security in the region.

44. The Security Council, however, had refused to be guided by such an interpretation, recognizing the peaceful nature of the Green March and refusing to condemn the Moroccan initiative.

45. He recalled that he had already told the Security Council that the question of the Sahara constituted an indivisible whole and that it was impossible to analyse the circumstances of the Green March without first carefully considering the substance of the question of Western Sahara and assessing the true validity of the Moroccan and

Mauritanian claims. In view of the peaceful nature of the Green March and its underlying motives, it was essential fully to understand those motives in order to be able to form an accurate opinion of the purpose of the march.

46. In its resolutions 377 (1975), 379 (1975) and 380 (1975), the Security Council had faced up to its responsibilities. In refusing to condemn the Green March, it had recognized the indivisibility proclaimed by Morocco and had recommended that Morocco should proceed to call off the march and enter into negotiations with the other parties with a view to finding a permanent solution to the problem of the decolonization of the Territory, in accordance with the provisions of Article 33 of the Charter.

47. In the spirit of those resolutions and in implementation of their provisions, the negotiations had been conducted at Madrid by Spain, Mauritania and Morocco.

48. In spite of the strictly logical nature of events, it had been deemed possible to maintain that the procedure followed under United Nations auspices for more than 10 years had been taking its normal course and had been about to reach its normal conclusion when the so-called Moroccan initiatives had disturbed the course of that procedure.

49. That assertion obviously disregarded the manner in which events had taken place, and appeared to ignore the spirit in which General Assembly resolution 3292 (XXIX) had been adopted and the circumstances that had motivated it.

50. The procedure followed by Morocco and Mauritania was simply the logical consequence of resolution 3292 (XXIX), in which it had been clearly envisaged.

51. When, at the twenty-ninth session, he had proposed in the Fourth Committee (2117th meeting) that the matter should be referred to the International Court of Justice, he had based that request on a sound interpretation of General Assembly resolution 1514 (XV). He had said that, ever since the problem of the decolonization of so-called Spanish Sahara had first been raised, and whatever procedures had been envisaged, his country had always maintained that the problem was confused with that of the return to the Moroccan State of the Territories and populations seized by colonial usurpation.

52. That claim had been made perfectly clear by His Majesty, the King of Morocco, in his press conference on 17 September 1974. The King had explained that it was crucial to determine whether the Spanish colonization of the Sahara had been the colonization of a Territory without an owner—*terra nullius*—no or whether, on the contrary, as Morocco maintained, part of Morocco's territory had been usurped. According to the circumstances, as would be shown later, the conditions for decolonization could be affected by that fact in one way or another.

53. He had gone on to recall the two aspects of General Assembly resolution 1514 (XV): recourse to the principle of self-determination if it was established that no tie existed between the Sahara, on the one hand, and Morocco and Mauritania, on the other; or to negotiation if it was established that such legal ties existed.

54. Taking those possibilities into account, as stated in resolution 3292 (XXIX), the General Assembly had decided to consult the International Court of Justice on a number of legal aspects of the controversy, which had previously been recognized to exist between Spain, on the one hand, and Morocco and Mauritania, on the other.

55. Consequently, the Court's opinion did not put a final end to the current dispute, but simply provided information that should be taken into account. Thus, the opinion had recognized the existence of legal ties between the Sahara, on the one hand, and Morocco and Mauritania, on the other. Negotiation would produce a permanent solution to the controversy.

56. From that time on, the path had been mapped out and it had become essential to resort to negotiation.

57. It had thus been established that, in adopting resolution 3292 (XXIX), the General Assembly had determined in advance the action which would necessarily have to be taken with regard to the question of Spanish Sahara, taking into account the light shed on the matter by the International Court of Justice.

58. In the light of that fact, Morocco had taken part in the negotiations held at Madrid, particularly since the Security Council had authorized it, on the basis of Article 33 of the Charter, to make negotiation a pre-condition for any other procedure.

59. Those negotiations had been conducted in an atmosphere of friendship and objectivity. Morocco, Mauritania and Spain had tackled the complex aspects of the question with a view to expediting the process of decolonization of the Sahara, in accordance with the principles of the United Nations Charter and recent resolutions of the Organization. The Agreement, or declaration of principles, signed on 14 November, constituted a decisive step, crowning more than 10 years of United Nations efforts.

60. In his most recent statement he had made reference to the economic aspects of that agreement, the text of which had been communicated by Morocco, Mauritania and Spain to the Secretary-General (S/11880, annex III).

61. That agreement, in accordance with the provisions of its paragraph 6, had entered into force on 19 November 1975 upon the publication of the *Ley de Descolonización del Sáhara* in the *Boletín oficial* of Spain. The tripartite entity which was acting as the depositary for the powers and responsibilities formerly vested in the administering Power had been established a few days earlier.

62. In the agreement, Morocco, Mauritania and Spain, aware of their responsibilities and acting within the framework of the United Nations, had made explicit provision for an interim period during which, in conjunction with the *Jema'a*, they would watch over the administration of the Territory, and had undertaken to respect fully the opinion of the population.

63. Thus, they had made explicit provision for respecting the will of the inhabitants of the Sahara; that provision harmoniously rounded off the process laid down in General

Assembly resolution 1514 (XV), which all members of the international community had undertaken to apply and observe.

64. Clearly, however, the choice did not lie between the application or non-application of the principle of self-determination, since resolution 1514 (XV) did not simply prescribe that that process should be followed blindly and automatically in the decolonization of a territory. If it had done so, Morocco certainly would not have sponsored and voted for it.

65. He recalled that, when resolution 1514 (XV) was being drafted, Morocco had insisted that it should show a true balance and the necessary harmony so that, while preserving the right of peoples to determine their own future, it would at the same time safeguard the national unity and the territorial integrity of States.

66. Morocco could not have taken any other position at the time, inasmuch as a great part of its territory was still occupied, and it had repeatedly aired its views on the matter, first, in connexion with the adoption of the OAU Charter and, later, when the Treaty of Vienna had been drawn up and on the occasion of the adoption of each of the General Assembly resolutions dealing with the question of the Sahara. Thus, Morocco, thanks to the solidarity of the members of the international community, had been able to recover other parts of its territory that were still under alien domination.

67. General Assembly resolution 1514 (XV) had to be understood and interpreted in its real context and in a constructive way, through the adoption of different solutions which took into account the interests of individual populations and of the countries with legitimate claims.

68. As had been seen, that interpretation had been at the origin of the adoption of General Assembly resolution 3292 (XXIX) and had been cited to justify referral of the case to the International Court of Justice. It had also led to the decolonization of such Territories as Ifni and West Irian by means of straightforward negotiation.

69. Morocco had acted within the framework of resolution 1514 (XV). It was in that same framework that it would sound out the opinions of the Saharans.

70. Before concluding his statement, he would make an urgent appeal to the entire international community.

71. Morocco had endured colonization and had been able to free itself only thanks to the solidarity and vigilance of the United Nations and respect for the principles of the Charter. It was to the credit of the United Nations that it had emphasized and imposed those principles.

72. While one might accept that some of those principles had been undermined, it was important not to open the door to all kinds of dangers. That was the price of peace in the region.

73. Mauritania and Morocco had decided to continue to work within the United Nations under the terms of the Charter and out of respect for common experience.

74. Mr. MUTUALE TSHIKANKIE (Zaire) noted that three independent African countries, all members of OAU, all Members of the United Nations, three friendly and brother African countries—Morocco, Algeria and Mauritania—were among the interested parties which, for different reasons, had become involved in the question under consideration. Their delegations, headed by their Ministers for Foreign Affairs—some of whom had honoured the Fourth Committee with their presence—had approached the African group of States in the United Nations. After the discussion which had followed the statements of those delegations, a working group of African countries had been established. He stressed that his delegation was one of many which had confidence in the ability of Africa and OAU to settle the problem. As an authentic African, he must, first and foremost, pay a tribute to the African initiatives which had been launched in response to essentially African problems. It was out of a concern for authenticity—an attitude characteristic of Zaire—that his delegation had preferred not to adopt a position which it felt that it could not justify in the Fourth Committee, for whose work, moreover, it had the greatest respect. The proceedings of the group he had referred to earlier had not yet yielded any results. In the meantime, the Committee had begun discussion of the question, and the discussion was already at a fairly advanced stage. That did not mean that all hope had been abandoned of reaching a solution through conciliation. His delegation was fully convinced that, if there was a single key principle to which independent Africa owed a great deal, it was undoubtedly the principle of self-determination. For all Zairians, that principle was so sacred as to be completely non-negotiable and not subject to compromise, and any “deal” regarding that principle could be nothing other than a compromise. That was clear and fundamental.

75. The right to self-determination could not be blurred or diminished by marginal considerations or by contrived interpretations. The emotion, the great fondness, the enthusiasm which Zaire felt for that principle was not an obstacle to lucidity. The principle was one thing; the ways in which it was applied to ensure its respect were another. The principle transcended the situations to which it was applied but did not make those situations uniform. The principle in itself was invariable; however, the ways in which it was applied in practice could not be; they must, on the contrary, be variable, their changing nature being determined by the special characteristics of each situation.

76. The Charter must be strictly applied in situations in which the principle of self-determination was not respected; however, since no two situations were alike, it should not be applied blindly. On the contrary, great care must be taken in applying it.

77. If that distinction was not properly observed, the application of the principle of self-determination, a principle dear to all, might become a grotesque falsification or misrepresentation of the true aspirations of the people concerned, which would clearly be contrary to the very *raison d'être* of the principle of self-determination; the desired end certainly could not be reached without following the proper path.

78. Strict application of the principle of self-determination did not mean a uniform application which deliberately or unintentionally disregarded the special conditions that might obtain in a given situation; it was essential to ensure that peoples freely expressed their aspirations and that those aspirations, as expressed, would be thoroughly authentic.

79. In order to reach a solution which would conform to the principles of the Charter and would at the same time be reasonably satisfactory to the parties concerned, it was necessary, on the one hand, to affirm the sacred character of the right of peoples to self-determination but also, on the other hand, to make it clear that it was the duty of the United Nations to guarantee to the world community that the implementation of the Madrid agreement of 14 November would not adversely affect that sacred right of the Saharan peoples.

80. It was important to mention the Madrid agreement, for his delegation was convinced that that agreement must not be overlooked. No one was trying to pronounce a value judgement on the importance of the agreement, but it was necessary to recognize its existence, particularly when approaching the problem from the standpoint of conciliation, as his delegation did. He expressed the hope that the parties to the Madrid agreement would not lose sight of one fundamental principle of conduct in international relations, namely, the principle of good faith. *Pacta sunt servanda*. Accordingly, it was to be hoped that, observing that fundamental principle of international relations, the parties to the agreement would be mindful of the fact that they had no right to presume that they were not bound by their obligations under the Charter, particularly with regard to the right of peoples to self-determination.

81. He would refrain from commenting further on the subject, since at the current stage he intended only to convey his delegation's views on the matter.

82. Mr. RAHAL (Algeria) recalled that, when he had spoken earlier in the Committee (2170th meeting), the representative of Spain had just announced an agreement concluded between Spain, Morocco and Mauritania concerning Western Sahara. The exact terms of that agreement, which in effect constituted a declaration of principles, had not yet been officially published at that time. Accordingly, he had reserved his delegation's right to take the floor again in the debate in order to state its views on that instrument, whose purpose, even if it was not so stated, was to confront the international community and the United Nations with a fait accompli.

83. It was a matter of record that the three Governments involved in that manoeuvre continued to claim that they had acted not only in accordance with the resolutions of the General Assembly but even at the request of the United Nations. More specifically, they claimed that, by so doing, they had responded to the appeals made by the Security Council in its resolutions 377 (1975) and 380 (1975), which referred to the "negotiations that the parties concerned and interested might undertake under Article 33 of the Charter".

84. One might perhaps welcome the eagerness with which some Member States had complied with the decisions of the

Security Council if one were not forced to be somewhat more circumspect by the fact that the Security Council's appeals had been fruitless when the Moroccan Government, by organizing a "march" into Saharan territory, had embarked upon a venture posing a serious threat to peace in the entire region.

85. Thus, references to United Nations decisions could in no way disguise or lend a semblance of legality to what in fact was no more than an attack on those very decisions, disregard for the authority and responsibilities of the General Assembly and a deliberately distorted interpretation of the resolutions of the Security Council. Indeed, everyone knew that the Council, in adopting resolutions 377 (1975), 379 (1975) and 380 (1975), had been dealing not with the problem of the decolonization of the Sahara *per se* but rather with Morocco's decision to invade that Territory. Consequently, the Security Council had had no right to request the parties concerned, much less only some of them, to reach an agreement on dividing up the Territory in their own interests. Although the Security Council in its decisions had not excluded the possibility of the negotiations provided for in Article 33 of the Charter, it had been clear that, so far as the Council was concerned, the primary concern had been negotiations which would bring together all the parties concerned or interested and, moreover, that those negotiations had been intended to deal exclusively with the specific question of the Moroccan "march", inasmuch as it had constituted a real and present danger to the peace and security of the countries in the region.

86. Furthermore, it was the parties involved in the dispute that must undertake the negotiations provided for in Article 33 of the Charter. If that Article was to be applied to a political settlement of the problem of the Sahara, the first question to be asked should be who were the parties involved in the dispute.

87. Since the problem was first and foremost a question of colonialism, the parties involved in the dispute were of necessity the metropolitan Power and the colonial people, whose interests could be represented by the United Nations and only by the United Nations. Accordingly, no one should be taken in by such an obvious diversionary tactic, the purpose of which was to confuse the issue and becloud the facts and, taking advantage of that confusion, to justify what was no more than a conspiracy designed to deprive the people of the Sahara of their rights and their wealth and to evade the responsibilities which were unquestionably incumbent upon the General Assembly.

88. For the General Assembly, which had assumed responsibility for the decolonization of Western Sahara more than 10 years earlier, had not given any Government a mandate to act in its stead in determining the conditions for settling the Saharan question. The decisions it had taken on that question and had frequently reaffirmed gave no grounds for any such interpretation. The people of the Sahara should freely decide its own future. To that end, the administering Power should organize a referendum enabling the population to exercise its right to self-determination and independence, and such a referendum should be supervised and guaranteed by the United Nations itself. The General Assembly had never asked the administering Power to transfer the administration of the Territory to other

Governments, whatever their claims to the Territory. Accordingly, it was difficult to understand how the declaration of principles signed by Spain, Morocco and Mauritania could be claimed to conform to the resolutions of the United Nations, whether they be of the General Assembly or the Security Council. The least that could be said was that the so-called declaration of principles was a gross and flagrant violation of those very resolutions and that it could not in any way detract from the responsibility of the United Nations or cancel out its signatories' obligations to the General Assembly.

89. He asked what right the three countries, Spain, Morocco and Mauritania, could have to dispose of the Territory of Western Sahara and decide the fate of its population. Spain, which had responsibility as the administering Power for the Territory of the Sahara, had initially claimed, as other colonial Powers had claimed before it, that Western Sahara was a province of Spain and that therefore the Spanish Government did not have to comply with the provisions of Chapter XI of the Charter. On 11 November 1960, at the fifteenth session of the General Assembly, the representative of Spain had informed the Fourth Committee (1048th meeting) that his Government had decided to transmit to the Secretary-General information on Territories within the scope of Chapter XI of the Charter. The General Assembly, in its resolution 1542 (XV) of 15 December 1960, had recalled that statement with satisfaction and had requested the Secretary-General to take the necessary steps in pursuance of the declaration of the Government of Spain. Thus, on 18 May 1961 the representative of Spain, in a statement to the Committee on Information from Non-Self-Governing Territories, had provided detailed information on the situation in Spanish Sahara with regard to political, economic, social and educational matters.² In April 1962 the representative of Spain had given that Committee additional information.³ The question of Spanish Sahara had been before the Special Committee since September 1963, and before the General Assembly at its eighteenth session, specifically since December 1963. That was irrefutable proof not only of Spain's obligations to the General Assembly but also of the fact that the Spanish Government had accepted those obligations.

90. Of course, the Spanish Government was also bound by its obligations to the Saharan population properly so called. In that connexion he drew attention to the important communication of 21 September 1973 in which the Spanish Government had defined its obligations to the people of the Sahara. He quoted the following passages of that communication:

"1. The Spanish State reiterates that the Saharan people, whose age-old ties with the Spanish people have, since their inception, been absolutely voluntary, is sole master of its destiny and no one has the right to frustrate its will. The Spanish State will defend the liberty and desire for free decision of the Saharan people.

"2. The Spanish State guarantees the territorial integrity of the Sahara.

² See *Official Records of the General Assembly, Sixteenth Session, Supplement No. 15*, part I, annex V.

³ *Ibid.*, *Seventeenth Session, Supplement No. 15*, para. 36.

...

"4. The Spanish State reiterates and solemnly guarantees that the population of the Sahara will freely determine its future..." (See A/10023/Add.5, annex, para. 83.)

91. Although the communication was worth quoting in full, he quoted only those passages proving that Spain was clearly aware of its responsibility to the Saharan people. He wondered, therefore, how it could be said that Spain could negotiate the sovereignty, which did not belong to it, over a Territory for whose administration it was responsible under Chapter XI of the Charter, with Governments whose territorial claims Spain itself had criticized and rejected?

92. There was no doubt about the sincerity of the Spanish Government's desire to terminate its mandate as a colonial Power in the Sahara; the communication of 23 May 1975 from the Spanish Government to the Secretary-General (see A/10095) stated that quite clearly. However, it was a mandate which, if it was to be terminated, must be returned to whoever had granted it and to no one else; clearly it was the Saharan people itself that had granted the mandate, or else the United Nations acting on its behalf. In any case, it could not be another Government, whatever its historic or other claims to the Territory, particularly as those claims had been declared to be without legal foundation by the International Court of Justice.

93. On 2 November 1975 Prince Juan Carlos, who had not then been King of Spain, had gone to the Sahara and visited the Spanish troops to tell them that his country would never take an approach that would be an affront to the honour and dignity of the Spanish army. He had tried at that time to convince the whole world that Spain would not evade its responsibilities because of any kind of intimidation. Now a new era was opening for Spain; a new reign was beginning with King Juan Carlos I. Speaking on behalf of his delegation, he said Algeria sincerely hoped that the new reign would open prospects of honour and glory for the Spanish people. However, the honour and glory of the Spanish people could not be based on the sacrifice of a small people whose history had been united by fate with the history of Spain, nor on disregard of the obligations to the Saharan people incurred by the highest authorities in Spain; no one, least of all, Spain, could negotiate the Saharan people's destiny or trade its future for interests which would have remained petty even if they had been legitimate.

94. Compared with the responsibility of Spain, that of Morocco and Mauritania seemed relatively less significant. Those two countries had doubtless acted within the logic of a policy, but that policy had not always been absolutely clear or consistent. After having claimed the Sahara, Mauritania and even a part of Algeria, Morocco had reduced its claims to the Sahara in the strict sense. After making Morocco recognize its existence, Mauritania had also laid claim to all of the Sahara. Since 1966 those two countries had been associated with Algeria in a joint action to accelerate the independence of the Sahara and guarantee the Saharan people's exercise of its right to self-determination. In support of his description of the situation at

that time he cited the following passage from the communiqué issued by the Heads of State of Algeria, Mauritania and Morocco at the meeting held at Agadir on 24 July 1973:

“The three Heads of State devoted particular attention to developments regarding the Sahara still under the domination of Spanish colonialism. They reaffirmed their unconditional adherence to the principle of self-determination and their concern to ensure that the principle was implemented in a framework which guaranteed that the will of the inhabitants of the Sahara was given free and genuine expression, in conformity with the United Nations decisions on this question.” (See A/10023/Add.5, appendix III D.)

95. That had been in 1973. Then, in 1974, a new situation had arisen, in which Morocco and Mauritania, having apparently harmonized their claims, had renewed with increased fervour their territorial claims on the Sahara. Their aim, however, still had not been to question the right of self-determination of the Saharan people, nor to object to the prerogatives of the General Assembly with regard to the decolonization of the Sahara. That could be seen from the fact that both countries had sponsored and voted for General Assembly resolution 3292 (XXIX).

96. 1975 had been expected to be the year in which the issue would be clarified, since the International Court of Justice would issue its advisory opinion and the United Nations Visiting Mission would submit its report. Logically, those documents, which had been called for by the General Assembly at its twenty-ninth session, should have been examined by the Assembly at its thirtieth session. It would have been appropriate for the General Assembly to say how it interpreted the advisory opinion of the Court and what conclusions it drew from it and it ought, furthermore, to have determined what use should be made of the support of the Visiting Mission; lastly, it was the exclusive duty of the Assembly to take a definitive decision with regard to the process of decolonization of the Sahara, taking due account of the documents which it had itself requested from the Court and the Visiting Mission.

97. Several weeks before the Committee had taken up the question of Spanish Sahara, Morocco had announced, however, that on the basis of the advisory opinion of the Court—which, according to Morocco, had recognized its rights over the Sahara—it was organizing a peaceful march of 350,000 persons to take possession of “its” territory. That initiative had prompted a series of meetings of the Security Council, which had seen in Morocco’s initiative a serious threat to peace in the region and had at once emphatically called upon the Moroccan Government to cease the march immediately.

98. One could not but be astonished at the audacity of a nation that had made claims, had decided for itself that they were justified and had taken measures to take justice into its own hands. However, that rush to proclaim its rights unilaterally and implement them in such a spectacular manner—when it would have been enough to wait a few weeks to convince the General Assembly of that right, which was allegedly so obvious—could be seen as an admission of Morocco’s lack of sincerity and the proof that,

unable to base its claims on law, it could only confirm them by faits accomplis.

99. Confronted with those faits accomplis, Spain had agreed to negotiate the transfer of the Sahara to Morocco and Mauritania, although the Spanish Government had managed, before the International Court of Justice, not only to oppose but to reject the territorial claims of Morocco and Mauritania. However, the international community would agree with Algeria in denying the legal validity of any fait accompli and in holding that Morocco and Mauritania—which had not succeeded in convincing the International Court of Justice or the United Nations Visiting Mission of the validity of their claims to the Sahara—had had no right whatever to begin discussions on the matter with Spain, much less to conclude an agreement with Spain which would decide the future of the Saharan people and the riches of its territory.

100. Therefore, of the three Governments parties to the declaration of principles, one—that of Spain—did not have any right to dispose of the Territory of the Sahara, which did not belong to it, and the other two—those of Morocco and Mauritania—did not have any right to claim to exercise their sovereignty over that Territory. Furthermore, that declaration was outside the framework of the United Nations and contrary to the General Assembly’s resolutions and the Security Council’s decisions.

101. The representatives of Spain, Mauritania and Morocco knew, of course, how firmly the United Nations supported the principle of self-determination for colonial peoples, a principle to which, furthermore, those same countries had subscribed. They would therefore attempt to show that it was embodied in their declaration of principles, since paragraph 3 stated that “The views of the Saharan population, expressed through the *Jema’a*, will be respected” (see S/11880, annex III). He wished to know how those representatives could convince the Assembly that such a provision was a recognition of the right to self-determination. It was not really surprising that Spain had recognized such authority in an Assembly which Spain itself had created. However, Morocco’s and Mauritania’s sudden attribution of hitherto unsuspected representative powers to the *Jema’a* seemed incredible to the point of being suspicious. It was known, in fact, that the Governments of Morocco and Mauritania had always questioned the representative character of the *Jema’a*, which they had rightly felt to be an instrument of the colonial Power created by it to serve its interests.

102. One need only recall the words of the Moroccan Minister for Foreign Affairs to the General Assembly at the twenty-ninth session:

“Moreover, once the military and police machinery was strongly entrenched, an assembly, entitled *Yema’a*, has been purely and simply nominated by the Spanish authorities. It is directly under the authority of the military governor. The so-called Assembly has been authorized by the Spanish Government to speak for the population of the two provinces. It alone has been authorized to express its vision of the future. This has been very clearly stated: it does not accept the principle of decolonization. It wants the Spanish administration to continue for years.” (See 2249th plenary meeting.)

103. The same opinion had been expressed by the same Minister at the current session, when he had said the following concerning Spain to the General Assembly:

“In fact, far from promoting the liberation of the colonized peoples, it has endeavoured to condition them by resorting particularly to the classic procedure of so-called representative assemblies.” (See 2377th plenary meeting.)

104. Now, in the declaration of principles which Morocco and Mauritania had negotiated with Spain, the representatives would like to convince the Committee that that same *Jema'a*, rehabilitated with respect to its representative powers for the purposes of their cause, would express the views of the Saharan population.

105. In fact, they again intended thereby to confront the General Assembly with a *fait accompli*, and any *fait accompli* was by definition contrary to law and constituted a defiance of law. At the very moment when the Committee was discussing the problem of the Sahara and learning about that declaration of principles, in which an attempt was made to propose a solution for the problem, measures were hurriedly being taken to implement its first provisions. A report announced the arrival at El Aaiún of a Deputy Governor who had been designated by Morocco and whose Saharan origin was too obvious to be mentioned.

106. Mauritania was also proceeding to designate a second Deputy Governor, who was none other than its Minister of Public Administration and Labour. There were reports of the gradual occupation of the Territory by Moroccan troops. All of that was taking place while delegations were still discussing the implementation of General Assembly resolution 1514 (XV) on respect for the inalienable rights of the Saharan people and the responsibilities of the United Nations in helping colonized people to achieve independence.

107. His delegation welcomed the interest the Committee was showing in the problem of the Sahara. That interest was reflected in the number and quality of statements made, and in the clarity of the analyses presented, which showed how well all members had understood the question and the magnitude of the concern it evoked in each of them. At the current session, the Assembly was fully aware that, over and above the actual question of the Sahara and the destiny of the Saharan people, the problem under consideration challenged fundamental concepts of the international life of the present day. What was at stake in the debate went beyond mere respect for the right of self-determination of the people of Sahara, since what was actually needed was a reaffirmation of the precepts which should serve as the basis for the coexistence of all peoples, large and small, precepts which should ensure the supremacy of the rules of law over the use of force and the *fait accompli*. Contempt for the law and challenges to the freedom and interests of the weakest had characterized the period of colonial expansion, and the international community had not ceased to combat it, whereas it nevertheless continued to be manifested in the attitude of certain great Powers. Of extremely grave concern was a similar tendency that could nowadays be discerned in the political attitudes of the countries of the third world, which had also had to

suffer foreign domination and had known—to their detriment—the injustice introduced by the use of force against their legitimate rights.

108. Nevertheless, it was particularly reassuring to note, in all the statements made in the Committee, the constant reaffirmation of the rights of the Saharan people and the desire to ensure respect for United Nations authority. The unanimity thus reflected in the current debate should call forth a little more moderation on the part of those Governments which had wished to force decisions on the General Assembly by anticipating their adoption and by defying the entire international community. The Committee should therefore reaffirm with the utmost vehemence the principles for which the General Assembly had always stood with regard to decolonization, and should address an appeal to all the parties concerned and interested to comply scrupulously with their obligations and with United Nations resolutions. The Government of Spain, as the administering Power, knew that it was responsible before the General Assembly for the decolonization of Sahara. That Government had explained that the declaration of principles would have no executory value for it unless the document received the approval of the General Assembly. If that was the case, the response to the Assembly should be clear and should leave no room for any tendentious or arbitrary interpretations. The General Assembly could not give its consent to a dismemberment of the Territory of Sahara, decided behind the backs of its inhabitants and against their will; the General Assembly, which guaranteed the rights and interests of the Saharan people, could only confirm its previous decisions urging the administering Power to organize the referendum whereby the people would choose their destiny; the General Assembly should take direct responsibility for all the interim measures necessary for ensuring the eventual administration of the Territory and for supervising and guaranteeing the holding of the consultation in which the people of the Sahara would be called upon to participate. His delegation could not help thinking that the General Assembly was facing a test in which and through which it must demonstrate its ability to impose its authority and its fidelity to the mission entrusted to it, which was that of ensuring for all peoples, particularly those who had remained under colonial domination, respect for their rights and the guarantee of their freedom in a community based on the equality of States and the brotherhood of peoples.

109. Mr. DE PINIES (Spain) said that he had followed the debate with special attention and wished to point out first of all that, in keeping with its earlier statements, the Spanish Government had done nothing in the way of proceeding to transfer the sovereignty of Sahara; the Spanish Government had done nothing that might have compromised the self-determination and the right of the Saharan people; the Spanish Government had done nothing that was at variance with the resolutions of the Organization. He recalled that at the 2170th meeting he had stated the position of his Government, explaining the evolution of the process of decolonization of Sahara since the adoption of General Assembly resolution 3292 (XXIX) and the declaration of principles signed by the Governments of Spain, Mauritania and Morocco. At the 2171st meeting, he had rectified certain misunderstandings that had arisen in the various statements made before the Committee. At the

current meeting, he found himself obliged to intervene again in order to deal with mistaken interpretations that had slipped in during the course of the debate.

110. Perhaps some statements might have been based on incomplete transcriptions of the records. In that connexion, he recalled that, in the final paragraph of his statement at the 2171st meeting, he had said:

“In any case, I believe that we are therefore considering here the question of the Sahara. The decolonization of that Territory is imminent. The General Assembly, which is fully competent to deal with the matter, will surely take the appropriate decision. For our part, we have set a final date for our withdrawal from the Territory and we should naturally like to keep to that date. I feel that the time has come for Spain to stop acting as administering Power in a colonial Territory which should no longer be one.”

111. If those clarifications were not sufficient to enable the Committee to assess the attitude of the Spanish Government, he would refer to what the General Assembly, in a series of resolutions, had laid down for the decolonization of Sahara: first, a speedy end to the colonial situation in the Territory; secondly, the self-determination of the people; and finally, the holding of a referendum in consultation with Morocco and Mauritania and any other interested party under United Nations auspices, creating a favourable political climate and permitting the return of the exiles to the Territory. In addition to those three conditions, it could be stated that the General Assembly, in resolution 3292 (XXIX) requested that the referendum be postponed until the General Assembly decided on the policy to be followed in order to accelerate the decolonization process, in the light of the advisory opinion to be given by the International Court of Justice. It might also be recalled that the report of the Visiting Mission had been obtained, and that report had been annexed to chapter XIII of the report of the Special Committee (A/10023/Add.5).

112. The declaration of principles signed at Madrid on 14 November had been annexed to the third report of the Secretary-General on the subject (S/11880). It was now for the General Assembly—in other words, the Fourth Committee—to take a decision on the possible effect of the easing of the friction caused by the Moroccan march on the underlying problem, in other words, on the decolonization of the Territory and, consequently, to adopt the necessary measures to uphold the principle of self-determination through a referendum or to adapt it to the circumstances of the case, in the light of the peculiarities which characterized it and with a view to maintaining peace.

113. Spain had fulfilled its double obligation to respect the principle of self-determination and the maintenance of peace by engaging in negotiations the result of which had been its irreversible determination to put an end to its presence in the Territory by a fixed date. In addition, a temporary administration had been instituted, which should be able to take the appropriate measures for consulting the people with regard to their future and the ultimate fate of the Territory.

114. In the light of those considerations, it was clear that paragraph 1 of the declaration of principles, in other words,

Spain's resolve to terminate its responsibility as the administering Power, derived from the status of the Sahara as a Non-Self-Governing Territory. Paragraph 2, under which Spain would institute a temporary administration, in no way implied a violation of the international obligations assumed by Spain, and Spain accordingly remained responsible as the administering Power until that status was brought to an end. Consequently, the international legal status of Western Sahara was not altered by the participation of two Deputy Governors; in other words, the Territory was still a Non-Self-Governing one in the process of decolonization. That temporary administration must also count on the collaboration of the *Jema'a*, the representative organ of the Saharan people, whose interests were those which must be protected in accordance with Article 73 of the Charter. The participation in that administration of two Deputy Governors—Moroccan and Mauritanian respectively—should make it possible for the self-determination which the United Nations had recommended to be organized in consultation with those countries, to be exercised in a manner acceptable to them. That was precisely what had made possible the easing of the friction caused by the Moroccan march, since the presence of the Moroccan and Mauritanian Deputy Governors during that final phase of the administration of the Territory could help to dissipate all misgivings and could, in accordance with the relevant resolutions, permit the acceleration of the decolonization process. If that composition of the temporary administration gave rise to objections on the part of the Fourth Committee, or if the need was felt to introduce correctives for a better guarantee of the rights of all those concerned in the decolonization process, the Committee must indicate the extent of those changes with a view to harmonizing the interests involved.

115. The setting of the time-limit for the termination of the Spanish presence was consistent with the provision contained in the communication of 23 May 1975 from the Spanish Government to the Secretary-General (see A/10095). Paragraph 3 of the declaration of principles stressed that during the period of temporary administration, the views of the Saharan population, expressed through their representative assembly, the *Jema'a*, would be respected; thus it was clear what was currently the instrument for the expression of the will of the people, although that did not mean that other possibilities for the expression of their will were excluded.

116. In conclusion he said that, in the view of his Government, the Madrid declaration did not conflict with any international obligation assumed by Spain and it should be clearly understood that it did not limit the United Nations in the exercise of its own functions. On the contrary, the declaration had prevented international peace and security from being jeopardized by dealing tactfully with the sensibilities of other signatory States, which questioned the sincerity of the desire of the administering Power for decolonization, as repeatedly stated at length by his delegation before the General Assembly and the International Court of Justice itself. He hoped that his clarifications would dispel all doubts about the scope and significance of his Government's actions.

117. Mr. RAHAL (Algeria), speaking in exercise of the right of reply, said that as his earlier statement had been

extensive he did not propose to reiterate the same ideas. He was grateful to the representative of Spain for the clarifications which he had just given the Committee. The representative of Spain had said that it was for the Fourth Committee to adopt, reject, modify or even amend the declaration of principles which had been transmitted to the United Nations. That, then, signified that, for the Spanish Government, the declaration of principles would have executory force only if it received the approval of the General Assembly. The issue was a very important one, both for his own delegation and for all the delegations which were following the current debate and which would have to take a decision on the matter. Consequently, it was amazing that some of the provisions of a declaration of principles which would have executory force only after it had been approved by the General Assembly had already been implemented, especially where the appointment in El Aaiún of a Moroccan Deputy Governor and a Mauritanian Deputy Governor was concerned. He also wondered what would be the nature of a referendum on the question of self-determination to be held, as the representatives of Spain, Morocco and Mauritania had said, under the supervision of a tripartite administration composed of Spain, the former colonial Power, and the Governments of Morocco and Mauritania, both of which had laid claim to the Territory. In 1974, and even before, when the Spanish Government had begun to indicate that it would accept the decisions of the General Assembly and that it was ready to organize a referendum on the subject of self-determination, doubts had been expressed about the authenticity of such a consultation if it was to be held under Spanish control. As matters stood, however, such doubts had increased three-fold, since none of the three countries which would be associated with the organization and supervision of the referendum on self-determination could claim to be disinterested regarding the outcome, none of them could have any illusions about the results of a genuinely free referendum, and each one of the three countries hoped to make the referendum follow the course it desired.

118. Despite those reservations, he took note of the statement by the representative of Spain concerning the validity of the declaration of principles.

119. Mr. OULD CHEIK (Mauritania), speaking in exercise of the right of reply, said that the representative of Algeria

had unfortunately produced no evidence to support his claim that the Mauritanian Government had always impugned the representativity of the *Jema'a*. He therefore reserved the right to address the Committee at a later stage with respect to that matter.

120. Mr. DE PINIES (Spain) expressed the wish that his statement should be faithfully reproduced in the summary record and that he would not again have cause to be surprised, as on previous occasions, by seeing a statement which did not reflect accurately what he had said. He understood that there was a tape recording, which should make it easy to reproduce his statement correctly. He requested that the précis-writers should keep to what he had said and then check his exact words. Except for a small improvisation at the beginning of his statement, the written text of what he had said could be made available if required. He would be grateful, however, not to have to witness a recurrence of what had happened at the 2171st meeting, when the end of his statement had been completely distorted.

121. The CHAIRMAN reminded the Committee that it had decided at the 2168th meeting that all statements on the question should be reproduced *in extenso*, and assured the representative of Spain that his words would be given due consideration.

Organization of work

122. The CHAIRMAN suggested that those delegations which wished to speak on agenda item 88, dealing with the question of Territories under Portuguese administration, should do so at the meetings to be held on 1 and 2 December, and that draft decisions should be introduced no later than 2 December, so as to enable the Committee to complete its work by 3 December, as had been agreed, and to submit its reports for examination by the General Assembly on 5 December.

It was so decided.

The meeting rose at 5.50 p.m.

2178th meeting

Tuesday, 2 December 1975, at 11 a.m.

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

A/C.4/SR.2178

AGENDA ITEM 88

GENERAL DEBATE

Question of Territories under Portuguese administration (A/9998-S/11598, A/10023/Add.1, A/10040, A/10054, A/10055, A/10058, A/10207-S/11811, A/10208, A/10209-S/11813, A/10212, A/10214, A/10227, A/10277, A/10353, A/10402-S/11887, A/10403-S/11890, A/C.4/802, A/C.4/803)

1. Mr. LASSE (Trinidad and Tobago), Rapporteur 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, introduced chapter VIII of the Special Committee's report for 1975, dealing with the Territories under Portuguese admin-