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Agenda item 19

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Chapters 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
relating to specific Territories not covered by other agenda items

Report of the Fourth Committee (Part I)

Rapporteur: Mr. Ibrahim O. ADDABASHI (Libyan Arab Jamahiriya)

I. INTRODUCTION

1. At its 4th plenary meeting, on 18 September 1981, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its thirty-sixth session the item entitled:

"Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples:

- "(a) Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;
- "(b) Report of the Secretary-General."

At the same meeting, the Assembly decided to refer to the Fourth Committee those chapters of the report of the Special Committee relating to specific Territories.

2. The chapters of the Special Committee's report concerning the Territories which were not covered by other agenda items related to the following specific Territories:

| <u>Territory</u> | <u>Relevant chapter of the report of the Special Committee</u> |
|---|--|
| Western Sahara | A/36/23 (Part V), chap. IX |
| Gibraltar | A/36/23 (Part V), chap. XI |
| Brunei | A/36/23 (Part V), chap XII |
| Cocos (Keeling) Islands | A/36/23 (Part V), chap XIII |
| Pitcairn | A/36/23 (Part V), chap XIV |
| St. Helena | A/36/23 (Part V), chap XV |
| Guam | A/36/23 (Part V), chap XVI |
| Trust Territory of the Pacific Islands | A/36/23 (Part V), chap XVII |
| Bermuda | A/36/23 (Part V), chap XVIII |
| British Virgin Islands | A/36/23 (Part V), chap XIX |
| Montserrat | A/36/23 (Part V), chap XX |
| Cayman Islands | A/36/23 (Part V), chap XXI |
| Turks and Caicos Islands | A/36/23 (Part V), chap XXII |
| United States Virgin Islands | A/36/23 (Part V), chap XXIII |
| Falkland Islands (Malvinas) | A/36/23 (Part V), chap XXIV |
| Antigua, <u>1/</u> St. Kitts-Nevis and Anguilla | A/36/23 (Part VI), chap. XXV |
| Tokelau | A/36/23 (Part VII), chap. XXVII |
| American Samoa | A/36/23 (Part VII), chap. XXVIII |

3. At its 3rd meeting, on 7 October, the Fourth Committee decided to hold a general debate covering agenda items 19, 92, 93, 95 and 12, 96 and 97, on the understanding that individual draft resolutions on matters covered by those items would be considered separately. The Committee held the general debate on those items at its 9th to 20th meetings, between 19 October and 4 November.

4. The Fourth Committee considered item 19 at its 9th to 21st meetings, between 19 October and 9 November (see A/C.4/36/SR.9-21).

5. At the 9th meeting, on 19 October, the 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 made a statement in which he gave an account of the relevant activities of the Special Committee during 1981 and drew

1/ Antigua acceded to independence on 1 November 1981 as Antigua and Barbuda, which was admitted to membership in the United Nations on 11 November 1981 (General Assembly resolution 36/26).

attention to the relevant chapters of the report of that Committee, referred to in paragraph 2 above, as well as the relevant documentation of the Committee (A/AC.109/643-646, 647 and Corr.1, 648-651, 654, 655, 657, 658, 659 and Corr.1, 661, 662 and Corr.1, 665, 667, 670, 671. The Fourth Committee also had before it the following communications addressed to the Secretary-General:

- (a) Letters dated 23 March, 29 July and 17 September 1981 from Argentina (A/36/155, A/36/412, A/36/522);
- (b) Letter dated 23 March 1981 from the United Kingdom of Great Britain and Northern Ireland (A/36/156);
- (c) Letter dated 9 September 1981 from Madagascar (A/36/488);
- (d) Letter dated 14 September 1981 from Kenya (A/36/512-S/14692).

6. In addition, the Fourth Committee had before it the following communications addressed to the Chairman:

- (a) Letter dated 6 November 1981 from Morocco (A/C.4/36/8);
- (b) Letter dated 6 November 1981 from Algeria (A/C.4/36/9).

7. Further, the Fourth Committee had before it the report of the Secretary-General (A/36/602) submitted in accordance with General Assembly resolution 35/19 of 11 November 1980 on the question of Western Sahara.

8. The Fourth Committee granted the following requests for hearing in connexion with its consideration of the item:

| <u>Petitioner</u> | <u>Meeting at which request for hearing was granted</u> |
|---|---|
| Hakim Ibrahim and others, Frente popular para la liberación de Saguia el-Hamra y Río de Oro (Frente POLISARIO) (A/C.4/36/4) . . . | 3rd |
| Thomas Jallaud, Association des amis de la République Arabe Sahraouie Démocratique (A/C.4/36/4/Add.1) | 3rd |
| W. G. Brown, Bermuda Constitutional Conference (A/C.4/36/3) | 3rd |

9. The Fourth Committee heard statements of the petitioners as follows: Mr. Jallaud, at its 15th meeting, on 28 October; and Mr. Brahim Mokhtar, on behalf of the Frente POLISARIO, at its 15th and 19th meetings, on 28 October and 3 November. Mr. W. G. Brown did not appear before the Committee.

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II. CONSIDERATION OF PROPOSALS

10. The Fourth Committee adopted a draft resolution and a draft decision relating to the question of Western Sahara under agenda item 19.

11. At the 12th meeting, on 22 October, the Chairman drew attention to the following two draft resolutions:

(a) Draft resolution A/C.4/36/L.2 submitted by Morocco, Senegal and Zaire, which read as follows:

"The General Assembly,

"Having considered the question of Western Sahara,

"Recalling its resolution 1514 (XV) 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples and its resolution 1541 (XV) of 15 December 1960,

"Recalling also its resolutions relating to the question of Western Sahara,

"Taking account of the resolution on the question of Western Sahara adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, held at Nairobi from 24 to 27 June 1981, 2/

"Also taking account of the decision adopted by the Implementation Committee on Western Sahara of the Organization of African Unity at its first ordinary session at Nairobi held from 24 to 26 August 1981, 3/

"Considering the statements made to the General Assembly giving very broad support to the decisions of the Organization of African Unity and to the Implementation Committee in fulfilling its mandate,

"Taking note of the report of the Secretary-General on the question of Western Sahara, 4/

"Recalling its resolution 35/117 of 10 December 1980 on co-operation between the United Nations and the Organization of African Unity;

"1. Takes note of and welcomes the resolution on the question of Western Sahara adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session concerning the organization of a self-determination referendum in Western Sahara;

2/ See A/36/534, annex II, resolution AHG/Res.103 (XVIII).

3/ See A/36/512-S/14692, annex.

4/ A/36/602.

"2. Also takes note of the decision of the Implementation Committee on Western Sahara established by the Organization of African Unity determining the conditions of the cease-fire and the modalities for organizing and conducting the referendum;

"3. Welcomes the readiness of all parties to co-operate fully with the Implementation Committee;

"4. Authorizes the Secretary-General to give all necessary assistance to the Implementation Committee in carrying out its mandate;

"5. Invites the Secretary-General to report on this question to the General Assembly and the Security Council."

(b) Draft resolution A/C.4/36/L.3, submitted by Afghanistan, Algeria, Angola, Belize, Benin, Botswana, Burundi, Cape Verde, Chad, the Congo, Cuba, Cyprus, Democratic Yemen, Ethiopia, Grenada, Guinea-Bissau, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Mexico, Mozambique, Nicaragua, Rwanda, Saint Lucia, Sao Tome and Principe, Seychelles, Uganda, Vanuatu, Viet Nam, Yugoslavia, Zambia and Zimbabwe, subsequently joined by Barbados, Costa Rica, Iran, the Lao People's Democratic Republic, Panama, Togo and Trinidad and Tobago, which read as follows:

"The General Assembly,

"Having considered in depth the question of Western Sahara,

"Recalling the inalienable right of all peoples to self-determination and independence in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling its resolution 35/19 of 11 November 1980 on the question of Western Sahara,

"Having considered the relevant chapter 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, 5/

"Having heard the statements made on the question of Western Sahara, in particular the statements of the representative of the Frente Popular para la Liberación de Sagüia el-Hamra y de Río de Oro, 6/

"Recalling its resolution 35/117 of 10 December 1980 on co-operation between the United Nations and the Organization of African Unity,

5/ A/36/23 (Part V), chap. IX.

6/ A/C.4/36/SR.15, paras. 21-26 and A/C.4/36/SR.19, paras. 3-5.

"Taking note of the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, held at Nairobi from 24 to 27 June 1981, to organize throughout the Territory of Western Sahara general and free self determination referendum of the people of Western Sahara, 7/

"Taking note of the decision adopted by the Implementation Committee on Western Sahara of the Organization of African Unity at its first ordinary session held at Nairobi from 24 to 26 August 1981 concerning the establishment of appropriate machinery to enable the people of Western Sahara to express themselves freely and democratically on their future, 8/

"1. Reaffirms the inalienable right of the people of Western Sahara to self-determination and independence in accordance with the Charter of the United Nations, the Charter of the Organization of African Unity and the objectives of General Assembly resolution 1514 (XV) and the relevant resolutions of the General Assembly and the Organization of African Unity;

"2. Welcomes the efforts made by the Organization of African Unity and its Implementation Committee on Western Sahara with a view to promoting a just and definitive solution to the question of Western Sahara;

"3. Takes note of the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session to organize throughout the Territory of Western Sahara a general and free self-determination referendum of the people of Western Sahara;

"4. Welcomes the steps taken by the Implementation Committee with a view to organizing and conducting the referendum;

"5. Appeals to the two parties to the conflict, Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to observe a cease-fire in accordance with the decisions of the Organization of African Unity and its Implementation Committee;

"6. Urges, to that end, Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to enter into negotiations with a view to establishing an immediate cease-fire and concluding a peace agreement permitting the fair conduct of a general and free self-determination referendum in Western Sahara;

"7. Reaffirms the determination of the United Nations to co-operate fully with the Organization of African Unity in the fair and impartial organization of the referendum;

7/ See A/36/534, annex II, resolution AHG/Res.103 (XVIII).

8/ See A/36/512-S/14692, annex.

"8. Requests, to that end, the Secretary-General to take the necessary steps to ensure that the United Nations participates in the organization and conduct of the referendum;

"9. Also requests the Secretary-General to report on this subject to the General Assembly and the Security Council;

"10. Requests the Secretary-General to co-operate closely with the Secretary-General of the Organization of African Unity with a view to the implementation of the decisions of the Assembly of Heads of State and Government of the Organization of African Unity and of the Implementation Committee, and of this resolution;

"11. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the General Assembly at its thirty-seventh session."

12. At the 15th meeting, on 28 October, the Chairman drew attention to amendments (A/C.4/36/L.6) to draft resolution A/C.4/36/L.2, submitted by Algeria, Angola, Burundi, Madagascar, Mozambique, Sao Tome and Principe and Seychelles, subsequently joined by Cape Verde and Nicaragua, by which:

(a) The sixth preambular paragraph would be replaced by the following:

"Considering the statements made on the question of Western Sahara, in particular the statements of Morocco and of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, giving very broad support to the decisions of the Organization of African Unity and to the Implementation Committee in fulfilling its mandate;".

(b) The following paragraph would be inserted as operative paragraph 1 and the remaining paragraphs would be renumbered:

"1. Reaffirms the inalienable right of the people of Western Sahara to self-determination and independence in accordance with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;".

(c) Former operative paragraph 1, now renumbered as operative paragraph 2, would be replaced by the following:

"2. Takes note of and welcomes the resolution on the question of Western Sahara adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session concerning the organization of a general and free self-determination referendum of the people of Western Sahara;".

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(d) Former operative paragraph 4, now renumbered as operative paragraph 5, would be replaced by the following:

"5. Requests the Secretary-General to co-operate fully with the Organization of African Unity in carrying out the decisions of its Implementation Committee;"

(e) The following new paragraph would be added as operative paragraph 7:

"7. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the General Assembly at its thirty-seventh session;".

13. On 28 October, the sponsors of draft resolution A/C.4/36/L.3 submitted a revised draft resolution (A/C.4/36/L.3/Rev.1), by which:

(a) Operative paragraph 8 was replaced by the following:

"8. Requests, to that end, the Secretary-General to take the necessary steps to ensure that the United Nations participates in the organization and conduct of the referendum, and to report on this subject, and on the measures requiring a decision by the Security Council, to the General Assembly and the Security Council;".

(b) Operative paragraph 9 was deleted and the remaining paragraphs were renumbered.

14. On 2 November, the Secretary-General submitted, in accordance with rule 153 of the rules of procedure of the General Assembly, a statement of the administrative and financial implications (A/C.4/36/L.8) relating to draft resolutions A/C.4/36/L.2 and A/C.4/36/L.3/Rev.1.

15. At the 20th meeting, on 4 November, the representative of Mexico, on behalf of the sponsors, who were now joined by Ghana and Swaziland, introduced the revised draft resolution (A/C.4/36/L.3/Rev.1). Subsequently, Guyana and Mauritania became sponsors of the revised draft resolution.

16. At the same meeting, the representative of Morocco, in drawing attention to document A/C.4/36/8 (see para. 6 above), withdrew draft resolution A/C.4/36/L.2 on behalf of the sponsors.

17. At the 21st meeting, on 9 November, the Chairman drew attention to a draft decision submitted by Kenya (A/C.4/36/L.19) and to a revised statement submitted by the Secretary-General (A/C.4/36/L.8/Rev.1), in accordance with rule 153 of the rules of procedure of the General Assembly, concerning the administrative and financial implications relating to the revised draft resolution (A/C.4/36/L.3/Rev.1) and the draft decision (A/C.4/36/L.19).

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18. At the same meeting, the representative of Kenya introduced the draft decision (A/C.4/36/L.19).

19. The Fourth Committee then took the following action on the revised draft resolution (A/C.4/36/L.3/Rev.1) and on the draft decision (A/C.4/36/L.19): 9/

(a) The Fourth Committee adopted draft resolution A/C.4/36/L.3/Rev.1 by a recorded vote of 73 to 7, with 54 abstentions (see para. 20 below). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chad, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Ethiopia, Fiji, German Democratic Republic, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Haiti, Hungary, India, Iran, Jamaica, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Panama, Peru, Poland, Rwanda, Saint Lucia, Sao Tome and Principe, Seychelles, Sierra Leone, Singapore, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: El Salvador, Equatorial Guinea, Gabon, Morocco, Senegal, United States of America, Zaire.

Abstaining: Australia, Austria, Bahamas, Bahrain, Belgium, Bolivia, Burma, Canada, Central African Republic, Chile, Colombia, Comoros, Denmark, Dominican Republic, Egypt, Finland, France, Gambia, Germany, Federal Republic of, Guatemala, Guinea, Honduras, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Jordan, Kenya, Lebanon, Luxembourg, Malawi, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Philippines, Portugal, Qatar, Saudi Arabia, Somalia, Spain, Sudan, Sweden, Thailand, Tunisia, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, Uruguay.

(b) The Fourth Committee adopted draft decision A/C.4/36/L.19 without objection (see para. 21 below).

9/ Statements in explanation of vote were made by the following Member States: Argentina, Austria, Central African Republic, Fiji, Finland, France, Gabon, Jordan, Kenya, Morocco, Nigeria, Norway, Sudan, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland and United States of America.

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III. RECOMMENDATIONS OF THE FOURTH COMMITTEE

20. The Fourth Committee recommends to the General Assembly the adoption of the following draft resolution:

Question of Western Sahara

The General Assembly,

Having considered in depth the question of Western Sahara,

Recalling the inalienable right of all peoples to self-determination and independence in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 35/19 of 11 November 1980 on the question of Western Sahara,

Having considered the relevant chapter 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, 10/

Having heard the statements made on the question of Western Sahara, in particular the statement of the representative of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, 11/

Recalling its resolution 35/117 of 10 December 1980 on co-operation between the United Nations and the Organization of African Unity,

Taking note of the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, held at Nairobi from 24 to 27 June 1981, to organize throughout the Territory of Western Sahara a general and free self-determination referendum of the people of Western Sahara, 12/

Taking note of the decision adopted by the Implementation Committee on Western Sahara of the Organization of African Unity at the first ordinary session held at Nairobi from 24 to 26 August 1981, concerning the establishment of appropriate machinery to enable the people of Western Sahara to express themselves freely and democratically on their future, 13/

10/ A/36/23 (Part V), chap. IX.

11/ A/C.4/36/SR.15, paras. 21-26, and A/C.4/36/SR.19, paras. 3-5.

12/ See A/36/534, annex II, resolution AHG/Res.103 (XVIII).

13/ See A/36/512-S/14692, annex.

1. Reaffirms the inalienable right of the people of Western Sahara to self-determination and independence in accordance with the Charter of the United Nations, the Charter of the Organization of African Unity and the objectives of General Assembly resolution 1514 (XV) and the relevant resolutions of the General Assembly and the Organization of African Unity;
2. Welcomes the efforts made by the Organization of African Unity and its Implementation Committee on Western Sahara with a view to promoting a just and definitive solution to the question of Western Sahara;
3. Takes note of the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session to organize throughout the Territory of Western Sahara a general and free self-determination referendum of the people of Western Sahara;
4. Welcomes the steps taken by the Implementation Committee with a view to organizing and conducting the referendum;
5. Appeals to the two parties to the conflict, Morocco and the Frente Popular para la Liberación de Sagüia el-Hamra y de Río de Oro, to observe a cease-fire in accordance with the decisions of the Organization of African Unity and its Implementation Committee;
6. Urges, to that end, Morocco and the Frente Popular para la Liberación de Sagüia el-Hamra y de Río de Oro to enter into negotiations with a view to establishing an immediate cease-fire and concluding a peace agreement permitting the fair conduct of a general and free self-determination referendum in Western Sahara;
7. Reaffirms the determination of the United Nations to co-operate fully with the Organization of African Unity in the fair and impartial organization of the referendum;
8. Requests, to that end, the Secretary-General to take the necessary steps to ensure that the United Nations participates in the organization and conduct of the referendum, and to report on this subject, and on the measures requiring a decision by the Security Council, to the General Assembly and the Council;
9. Requests the Secretary-General to co-operate closely with the Secretary-General of the Organization of African Unity with a view to the implementation of the decisions of the Assembly of Heads of State and Government of the Organization of African Unity and of the Implementation Committee, and of the present resolution;
10. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the General Assembly at its thirty-seventh session.

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21. The Fourth Committee also recommends to the General Assembly the adoption of the following draft decision:

Question of Western Sahara

The General Assembly, taking account of the resolution adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, held at Nairobi from 24 to 27 June 1981, 14/ by which it decided, inter alia, to establish an Implementation Committee on Western Sahara, and the decision adopted by the Implementation Committee at its first ordinary session, held at Nairobi from 24 to 26 August 1981, 15/ requests the Secretary-General to give assistance, in consultation and co-operation with the Organization of African Unity, to the Implementation Committee in the discharge of its mandate regarding the question of Western Sahara arising from the above resolution and decision and to report thereon to the Assembly and the Security Council, as appropriate.

14/ See A/36/534, annex II, resolution AHG/Res.103 (XVIII).

15/ See A/36/512-S/14692, annex.