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at 3 p.m.  
New York

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SUMMARY RECORD OF THE 13th MEETING

Chairman: Mr. ALLAF (Syrian Arab Republic)

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1. Mr. BEDJAOU (Algeria), speaking in exercise of the right of reply, said that, despite those who might wish to see force prevail over right, despite the verbal terrorism directed against his delegation and despite the fact that he had

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(Mr. Bedjaoui, Algeria)

had to listen to the discussion with a mixture of astonishment and sadness, there would be no change in the convictions of the people of Algeria, the doctrine of the United Nations or the resolve of the Saharan people.

2. An effort had been made to nullify the principle of self-determination. His delegation deplored the fact that its statements had been distorted, statements which had been aimed at informing the international community of the tragedy that was taking place in the region concerned. A people was about to be subjected to a treatment that almost amounted to extermination.

3. The reason why Algeria remained true to the principle of self-determination for Western Sahara was that the United Nations, OAU and other international organizations and conferences had untiringly recommended it, and, moreover, not merely with the consent of the other neighbouring States but in fact through their initiative. It was unacceptable that yesterday's truth, proclaimed by the entire international community, should today be transformed into the error of one country alone. Yet it was curious how Algeria had been criticized for the perseverance with which it defended the right of the Saharan people to decide their fate.

4. To reduce Algeria's position with regard to the principle of self-determination to a vulgar negotiation over some phosphates or a certain corridor was tantamount to disregarding the 1.5 million deaths which the Algerian people had sacrificed 15 years earlier in the cause of freedom.

5. A comparison had been drawn with the independence of the countries of West Africa. However, while it was true that a large number of States of Africa and of the third world in general had attained independence without a popular consultation, it should be recalled first of all that in those States there was no conflict, which was not the case in Western Sahara. Secondly, it was no less true that the States of West Africa had regained their sovereignty through a referendum in 1958. It was surprising how that fact could be forgotten. Thirdly, Algeria adhered to the principle of self-determination because it had accepted the application of that principle, through a referendum, in its own territory, although the seven and a half years' war of liberation should have sufficed as a testimony of the will of the people.

6. His delegation was concerned that the occupying States persistently rejected the popular consultation in Western Sahara. If they were so sure of their rights and of the wishes of the people affected, they should be ready to permit those realities to be demonstrated through a referendum. It had been argued that the United Nations had never accepted or adopted a uniform, dogmatic position with regard to all colonial situations. That was perfectly true, but it did not apply in the current case. The question now was whether the United Nations had ever changed the position adopted with regard to a Territory. For Western Sahara, the United Nations had determined a process, which was a consultation of the people, and had insisted on that process. That was the basic issue.

7. In that connexion, the problem of consulting the Jema'a should be made clear. The Jema'a consisted of a group of elders in the pay of Spanish colonialism and did not represent the Saharan people. Furthermore, in its resolution 3458 B (XXX),

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the United Nations had already proposed consulting the Saharan people directly, not through the intermediary of a group. The Jema'a conferred no validity on the Madrid Agreement because it represented no one, and the Agreement conferred no authority on the Jema'a because it lacked validity. Moreover, scarcely a few months before the signing of the Madrid Agreement, Morocco, which now invoked the consultation of the Jema'a, had declared to the United Nations Visiting Mission that it denounced that assembly, which claimed the right to represent Western Sahara but simply endorsed the decisions of the colonial authorities. How had that same Jema'a been transformed into a representative organ of the Saharan people? And even if it had, was it a depository of the sovereignty of the Saharan people with the authority to decide their fate?

8. Furthermore, it might be asked how the Jema'a could be consulted, since it had decided on its own dissolution on 29 November 1975 and the majority of its members had joined the Frente POLISARIO, but not without having declared beforehand to the United Nations Visiting Mission that its members wished the Territory to proceed towards self-determination and independence but that, as members of the Jema'a, they had had only limited powers in running the affairs of the Territory.

9. Finally, the fact that put an end to all discussion was that the General Assembly intended to consult the Saharan people directly, in accordance with the principles of its resolutions 1514 (XV) and 1541 (XV), and to proceed to a referendum in accordance with principle IX of the latter resolution.

10. Algeria had been accused of military intervention in the disputed Territory, in which the occupiers and occupied were engaged in conflict. Algeria could not accept such reckless accusations and the Committee could not permit that kind of tactics to detract its attention from the substance of the problem, which was the decolonization of a Territory. The tension existing between the adjoining countries was a direct result of the military occupation by two neighbouring States. That occupation and partition of the Territory, which deprived the Saharan people of their right to decide their future, constituted an exceptionally serious occurrence and were the sole cause of tension in the region. It was clear that that aggression, and that aggression alone, had created a dangerous situation in Western Sahara. The two occupying States sought to attribute the responsibility to Algeria, showing at the same time that they were ignoring the inhabitants of Western Sahara. They maintained that the problem was due to a conflict between Algeria, on the one hand, and the occupying States, on the other. Thus, the problem of Western Sahara, a problem of decolonization and self-determination, was presented as a problem of occupation and partition, as well as one of aggression, which was true; but an attempt was also being made to present it as a difference between the two aggressor States and Algeria, which was untrue.

11. In accordance with the international principle of decolonization, the struggle of peoples for their freedom not only was legitimate, but also required the material and moral assistance of all the States of the international community, particularly when as in the case of Western Sahara, what was involved was a situation that could unquestionably be described as aggression against the people of the Saharan Territory. Tension existed because the Saharan problem,

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which had not been settled by the administering Power, had, moreover, been the subject of the worst of solutions, a military fait accompli and partition. If the problem were to be solved in accordance with United Nations resolutions, the tension in the region would automatically be dissipated.

12. It had to be emphasized that ever since they had assumed the grave responsibility of invading Saharan territory, the two occupying States could not be considered as other than aggressors under the relevant provisions of the Charter, General Assembly resolutions 2625 (XXV) on Principles of International Law Governing Friendly Relations and Co-operation among States, and 3314 (XXIX) on the Definition of Aggression, with all the legal consequences which that implied. The latter resolution, in particular, contained the emphatic assertion in its sixth preambular paragraph that failure to comply with the "duty of States not to use armed force to deprive peoples of their right to self-determination, freedom and independence" constituted a case of obvious aggression. Article 7 of the Definition of Aggression annexed to that resolution underlined the legitimacy of the support given to peoples who, like the Saharan people, were struggling against invading armies to achieve their right to self-determination.

13. Attempts to nullify the resolutions of the competent international and regional organizations had patently failed. That failure had led to the aggression by two States against a people fighting for self-determination which, to achieve its objective, had the right to demand the active co-operation of the States Members of the United Nations and of OAU. It was imperative to halt that dangerous and deteriorating situation. The solution was clear. The only form it could take was that of a welcome return to international legality.

14. Quoting an editorial published in Le Monde on 28 October 1977, he referred to the state of war that had prevailed in the region since the Moroccan and Mauritanian armies, in implementation of the Madrid Tripartite Agreement, had invaded the former Spanish Sahara. The overwhelming majority of the population of that Territory had refused to accept that intervention, which violated United Nations resolutions on self-determination and the oft-repeated principle of OAU with respect to the frontiers inherited from colonialism. Despite its proclaimed neutrality, France was giving considerable assistance to Morocco and Mauritania, including military aid. That was the interpretation which French politicians placed on the official French policy of "neutrality" in the Saharan conflict.

15. The safest and best way of averting the problem of the French prisoners would have been for France to abide by the neutrality which would have guaranteed the freedom, respect and security of its nationals in the Territory. Algeria remained ready to promote a satisfactory solution - that which it had proposed with complete success in the past.

16. His delegation greatly appreciated the efforts undertaken by the African family of nations to find a solution to the conflict in Western Sahara. On the occasion of the OAU summit conference held at Port Louis, Mauritius, in 1976, his delegation had been the first to support the Nigerian delegation when it had proposed the convening of a special summit conference, while the Moroccan delegation had walked out of the meeting hall. At the summit conference held at Libreville in June 1977 the Moroccan delegation had appeared keen to entrust the solution of the Saharan problem to a special summit conference of OAU.

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(Mr. Bedjaoui, Algeria)

17. In any case, the competence of the United Nations with respect to decolonization in general, and Western Sahara in particular, did not exclude the competence of OAU and did not conflict with it. The two organizations, with their fully complementary tasks and common interests, should give one another mutual support in finding the necessary just solution to the Saharan problem. A regional organization could not, however, absolve the international community from its responsibilities; much less could it replace the United Nations; rather, the resolutions of the latter had to be implemented in conformity with the principles of the Charter.

18. With regard to the resolutions on Western Sahara adopted at Rabat, he reminded the Committee that the OAU summit conference held in June 1972 had adopted, on the initiative of the present occupying States, a resolution which had repeated the demand for a free and genuine referendum under United Nations auspices and supervision. With regard to the other meeting held at Rabat in 1974, his delegation totally refused to accept the authenticity or trustworthiness of certain statements which, thanks to the high degree of sophistication of modern techniques, had been distributed in recorded form. The only statement to which full and genuine meaning could be attached was one faithfully reproduced in the context in which it had been made. In any case, more weight was carried by a written statement in which the President of Mauritania had said that "the two Presidents ... reaffirm their unfailing adherence to all the principles of the Addis Ababa Charter, as well as to the principles set out in the final declaration of the Conference of Non-Aligned Countries, and, in particular, respect for the territorial integrity and inviolability of the frontiers which existed at the time independence was achieved". He also referred to an official joint communiqué issued by Algeria and Mauritania in 1967, in which one of the two States currently occupying the Sahara had condemned in advance the very expansionism that it would be practising seven years later.

19. A territorial claim in the name of national unity and territorial integrity was more than legitimate, it was sacred. But when there were no legal grounds for such a claim, and when it was undertaken in an exclusive manner by Morocco and Mauritania, and with respect to the same Territory, namely, Western Sahara, which likewise had the right to maintain its own integrity, a situation of serious conflict was created. While the understanding between those two States could not resolve those difficulties even by resorting to the worst possible solution, that of partition, consultation with the Saharan population could and should provide an infinitely better way of overcoming those difficulties, because it would be the inhabitants who decided the future of a territory and not the territory that decided the fate of its inhabitants.

20. The question of the Western Sahara and the problem of its territorial integrity had three different aspects. First, the territorial integrity of Western Sahara in relation to the metropolitan territory of the Spanish administering Power; secondly, the territorial integrity of Western Sahara in relation to all the neighbouring States; and, thirdly, the territorial integrity which could be adduced by Morocco or Mauritania with respect to Western Sahara. In the first case, territorial integrity was understood as a right that had to be defended against the administering Power to prevent the colonial Territory from being definitively annexed to that of Spain or its being totally or partially ceded for the benefit of another State.

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(Mr. Bedjaoui, Algeria)

21. He wished to make it clear that, since 1956, the year in which Spain had been admitted to the United Nations, the question of Western Sahara had been considered as that of a "dependent Territory", well-defined in geographical terms. It had always been considered in the precise context of Chapter XI of the Charter, namely, as a problem of decolonization within the meaning of General Assembly resolutions 1514 (XV) and 1541 (XV). Consequently, Spain, with regard to the integrity of the Territory, had not had the power to annex it, nor to cede it to other States.

22. The Spanish judge Federico de Castro, a member of the International Court of Justice, had expressed a personal opinion that Spain could not recognize the right of another State to claim the Territory, or accept the existence of titles to sovereignty, or agree to the partition of the territory, or decide to exploit it jointly, or assume sovereignty over it ... Nor could the administering Power ignore the fact that it had neither the authority to dispose of the Saharans' right to self-determination recognized in eight General Assembly resolutions by concerned and interested parties, or the authority to disregard that right. André Gros, the French judge at the same Court, had also expressed a personal opinion along the same lines.

23. With regard to the territorial integrity of Western Sahara vis-à-vis its neighbouring States, the African countries, as they had achieved independence, had been governed by the principle of respect for the frontiers inherited from the colonies. That principle had been solemnly enshrined in the charter of OAU and had been ratified at the first OAU summit conference of African Heads of States, who had solemnly declared that all member States had the obligation to respect the frontiers existing at the time of their accession to independence. Although the African frontiers drawn by the colonial rulers often bore no relation to the physical or human geography of the continent, the African States had striven to retain them, inspired by the fundamental concern to maintain stability and cohesion in order to survive and gradually to strengthen their independence in all spheres.

24. He quoted the speech delivered at the United Nations by President Senghor, who, in presenting a self-criticism of the third world countries, had pointed out that many of them had contracted the disease of the former colonizers, the spirit of intolerance and conquest, in other words, imperialism towards fraternal countries, as if the principle of self-determination were not valid for all peoples and as if a nation's boundaries should necessarily coincide with those of a particular race or of territories annexed as a result of former conquests.

25. With regard to the third aspect of the problem, namely, the territorial integrity of the two States that had militarily occupied and divided Western Sahara in 1975, he questioned the value and authority of historical titles to a territory, if such titles indeed existed. If nations had to back up their claims to the territories of other peoples with titles going back into history and resulting from periods of conquest of varying lengths, it would become totally impossible for the peoples of the earth to live in peace. If that were to be the case, there was no reason not to recreate the Persian empire with its base in present-day Iran, or the Phoenician dominions centred on modern Lebanon, or the Napoleonic empire centred on modern France, or the empire of Alexander the Great in

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(Mr. Bedjaoui, Algeria)

modern Greece, or the vast territory conquered by the Romans ruled from the Italy of today, or even to incorporate Andalusia into an Arab country such as Morocco. Decolonization did not mean replacing the territorial competence of one administering Power by another that went further back into history, without the consent of the people concerned.

26. Thus the second question arose - that of the conflict between an historical right which a territory claimed to possess and the right of self-determination of the people of that territory. After a long evolution, the modern world had established the principle that it was the people who should decide the fate of a territory and not the reverse, since the honour of that people, which could not be treated as a mere adjunct to a piece of land, was at stake. The logical consequence was that historical rights could prevail only when supported by the acquiescence of the people of the territory involved. If historical rights were made to prevail in the case of Algeria, the 1962 plebiscite would have to be renounced and the country incorporated into Turkey, since Algeria had been a province of the Ottoman empire until the French conquest. There were many similar examples.

27. Both Morocco and Mauritania had tried in vain to prove before the International Court of Justice that the question of Western Sahara called into question the integrity of their respective territories. Yet in various passages of its advisory opinion (A/10300), including paragraphs 92, 96, 103, 104, 105, 107 and 128, the Court had formally and firmly rejected any territorial sovereignty of Morocco over Western Sahara. With respect to Mauritania, the Court concluded in paragraph 150 of its opinion that there had not existed between the Territory of Western Sahara and the Mauritanian entity any ties of sovereignty, or of allegiance of tribes, or of "simple inclusion" in the same legal entity.

28. After denying that either Morocco or Mauritania had ties of sovereignty or co-sovereignty or territorial inclusion with Western Sahara, the Court had considered the possibility that another kind of tie might exist between the peoples. The mere course of a tribe's migration route through the Sahara and through land under the jurisdiction of a State did not constitute sufficient title for territorial claims on the part of that State; nor did the ties of spiritual and religious loyalty, which existed in the case of only one tribe, the Tekna, constitute sufficient title, and by their nature could not justify a territorial claim. He felt that if that had been the case, Moroccan sovereignty could be claimed over all the Moslem populations of the African continent and Vatican sovereignty over all the Catholic countries of the world, and so it would be in many similar cases. In concluding its advisory opinion, the Court, in paragraph 162, had indicated that in the case of both Morocco and Mauritania it had not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara, or of the principle of self-determination.

29. With the intention of demonstrating the supposed violation of its territorial integrity that decolonization of Western Sahara might involve, Morocco had recalled that General Assembly resolution 1514 (XV), in paragraph 6, safeguarded "the national unity and the territorial integrity of a country". In that way it disregarded paragraph 7 of the same resolution, without which paragraph 6 could not be interpreted. Paragraph 6 spoke of "country", which means Non-Self-Governing

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(Mr. Bedjaoui, Algeria)

Territory, neighbouring State or colonizing State. In the context of resolution 1514 (XV), however, which referred to dependent territories and colonial peoples, it was natural to assume that the term "country" referred to a territory still colonized rather than an independent neighbouring territory. Above all, however, the argument was based upon a deliberately erroneous interpretation of paragraph 6. It had been interpreted as if it applied to territories which had been illegally separated from a State in the past and which were the object of a territorial claim on the basis of the principle of integrity. An analysis of the preparatory work submitted by the 43 Afro-Asian countries which had sponsored the draft that had become resolution 1514 (XV) showed that paragraph 6 had not been intended to give territorial claims priority over the principle of self-determination. The text referred rather to the problems which might arise in the future respect for the territorial integrity of a country, and especially of a new State, and not a claim which had its roots in the distant past. Furthermore, paragraph 7 of resolution 1514 (XV) referred to "respect for the sovereign rights of all peoples and their territorial integrity", which reinforced the notion that "territorial integrity" meant that of the colonized people.

30. The two occupying States invoked their territorial integrity. It should be recalled that there were two Mauritanian conceptions, successive and contradictory, of territorial integrity. Mauritania, which had invaded Western Sahara and annexed part of its territory, had discovered rather late and in a rather peculiar fashion that its territorial integrity was incomplete. It should be recalled that since its establishment Mauritania had always been the most zealous defender of the immutability of frontiers inherited from colonial times.

31. Finally, it should be noted that the annexation of all of Western Sahara by one of the neighbouring States which claimed it on the pretext of defending its territorial integrity would have been less scandalous than the partition of the Territory. It was incomprehensible how demands for an alleged territorial integrity could be satisfied by a line arbitrarily drawn and inspired by motives very different from the satisfaction of territorial integrity. Integrity was by definition a whole which could not be divided.

32. It was clear, then, that the Saharan people was one and indivisible. It was equally clear that the solution of its tragedy lay in a return to international legality. In that way the region of Maghreb and the western Mediterranean would gain in terms of peace, security and stability, and the peoples of the region could return to using their energies for building their inevitably common destiny.

33. Mr. EL-HASSAN (Mauritania), speaking in exercise of his right of reply, said that the representative of Algeria had repeated the terms of the petition which had been presented to the International Court of Justice in 1975. He had overlooked, however, two fundamental propositions which he had submitted on the earlier occasion. First of all, he had said that the Sahara was a no-man's land, which could be occupied by anyone by virtue of colonial right. Consequently, it had to be recognized that the colonial Power had had the right to occupy the territory and had held valid title to it. At the time when the arguments had been presented to the International Court of Justice, the interests of Algeria and the former colonial Power had coincided. Both countries had sought to prevent the advisory opinion of the Court from favouring Mauritania and Morocco.

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(Mr. El-Hassan, Mauritania)

34. Secondly, Algeria had stated before the Court that there could be no ties of sovereignty between the Sahara and Mauritania on the one hand, and between Sahara and Morocco on the other, because the countries all belonged to a Moslem community in which there were no ties of sovereignty in the sense of Western communities. That Moslem community was united by spiritual and cultural ties which gave it cohesiveness and were the basis of its political institutions.

35. The Mauritanian delegation had presented its arguments to the Court over a period of five days and did not intend to repeat them at the current session. For the Committee's sake he would refer only to three of the arguments presented by Algeria.

36. The representative of Algeria had spoken insistently of the territorial integrity of Sahara. Nevertheless, there was not a single resolution of the General Assembly or the Security Council affirming the territorial integrity of Sahara, and that was no coincidence. It was because of the insistence of Mauritania and Morocco, which had never agreed that the General Assembly or the Security Council should prejudge the final result of the process of decolonization. There was no resolution of the General Assembly, the Security Council, OAU or the League of Arab States mentioning the territorial integrity of Sahara, and that again was not due to coincidence but rather to the insistence of Mauritania and Morocco.

37. The representative of Algeria had also spoken of the danger of resurrecting the great empires of antiquity. One must wonder whether the restitution of Goa to India, China's position regarding Formosa, Macao and Hong Kong and the union of countries of Africa since decolonization constituted a restoration of empires of antiquity. A number of cases of restitution of territories which had received the support and backing of the General Assembly could be mentioned. The simplicity of the argument claiming comparison between the case of the Sahara and that of the great empires of antiquity was obvious.

38. Finally, the representative of Algeria had spoken of what he called the Saharan "people", of the sovereignty of the Saharan "people". Nevertheless, he knew perfectly well that Spain and Algeria, in two months of debates before the International Court of Justice, had not succeeded in having the Court recognize the population of Sahara as a people. If the representative of Algeria could show that the court had used the word "people" in any part of its advisory opinion, his delegation was prepared to accept his argument. Again, it was no coincidence. The Court had never mentioned the Saharan "people" because Mauritania and Morocco had shown that such a people did not exist.

39. Morocco and Mauritania had not acted without the knowledge of the United Nations; rather they had sought to observe the moral honesty and intellectual integrity which the Organization deserved. Since 1957 Mauritania had not failed to state, within the framework of Africa, as well as in the United Nations and the Arab League, that its independence would continue to be incomplete until its national unity had become a fact. It should be mentioned that at that time the existence of phosphates in the Sahara had not yet been suspected. At that time Mauritania had defended the national unity of Algeria at a time when the latter had not yet achieved its independence.

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(Mr. El-Hassan, Mauritania)

40. Mauritania had frequently informed the United Nations of its need to consolidate national unity at home, requesting that its needs be reconciled with the fundamental principles of the Charter. Reviewing the recent history of the problem in the United Nations, he recalled that in 1965, when he had been representing his country in the Security Council, the Security Council had urged that negotiations should take place between the administering Power, on the one hand, and Morocco and Mauritania on the other. The parties had met in Madrid for that purpose, but the negotiations had fallen through because by then Algeria had already reached a secret agreement with Spain, under which Spain would withdraw progressively from the Territory, leaving it in the hands of Algerian mercenaries. At Mauritania's urging the Security Council had recommended that the negotiations should be resumed, and as a result Mauritania had reached an agreement with Spain, of which the General Assembly had taken note. By virtue of that agreement, Mauritania could have taken any measures which it felt necessary. However, Mauritania had chosen to submit the agreement for the approval of the United Nations, out of respect for Africa and the Arab world.

41. The question now was how could Algeria invoke the principle of self-determination when it had itself proclaimed a Saharan Republic in its territory? Moreover, why was Algeria invoking the right to self-determination with regard to Algerian Sahara, but not with regard to either Moroccan Sahara or Mauritanian Sahara?

42. Paragraph 6 of General Assembly resolution 1514 (XV) stated that "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations". In the name of that principle, the dismemberment of a nation was inadmissible.

43. He referred to the statements made successively in Dakar and Accra by U Thant, Secretary-General of the United Nations, during a tour of African capitals in 1970, to the effect that if the principle of self-determination was to be regarded as an instrument for the dismemberment of States, the final result would be the dismemberment of the entire international community. On another occasion, U Thant had said that, when a new Member State joined the United Nations, the other States must recognize its right to territorial unity. At the present time, the issues at stake were the national unity, territorial integrity and independence of Mauritania.

44. Algeria had its own view of the relations which should exist between the States of the region; it was intolerable to the Algerian Government that Algeria should not exercise its hegemony over the region in the economic and political spheres. Since the moment when Algeria had discovered that the agreement between Mauritania and Morocco could weaken the bases on which it had established its political philosophy, it had begun to apply a contrary policy, which was reflected in constant aggression against Mauritania and Morocco. While it spoke of the "fraternal peoples" of the region, Algeria subjected its neighbours to constant attacks and all kinds of intimidation: the taking of hostages, the murder or kidnapping of innocent civilians, and the slaughtering of livestock. While there could be no doubt that mercenaries were responsible for such atrocities, there could also be no doubt that, for the most part, they were Algerian nationals using Algerian weapons. It was unpardonable that Algeria should behave in such a way towards Mauritania and Morocco, fraternal African countries.

(Mr. El-Hassan, Mauritania)

45. As for the suggestion of the representative of Algeria that the statement by President Boumediène could have been forged, he was prepared to check the text of the statement cited against the text of the relevant Arab League document, and against that of the communiqué issued by the Minister for Foreign Affairs in Algeria, reprinted in the newspaper Le Monde. Mauritania was a weak country which was being subjected to aggression and intimidation. It was to Mauritania that the United Nations should be giving support.

46. Mr. GARRIGUE-GUYONNAUD (France), speaking in exercise of the right of reply, recalled what he had said in the Committee the day before, to the effect that the taking of hostages and the murder of innocent civilians totally uninvolved in a conflict was unacceptable and unjustifiable. Since the representative of Algeria had indicated that his country was prepared to take steps to put an end to the intolerable situation of French citizens in that country, his delegation took note of that statement and hoped that the measures adopted by Algeria would lead to positive results.

47. Mr. de PINIES (Spain) commented that his Government, as well as Spanish political forces and Spanish public opinion in general, was following the development of the serious situation in the north-western part of Africa with concern. He recalled the words of his country's Minister for Foreign Affairs before the General Assembly, when he had stated that, although Spain had put an end once and for all to its presence and its responsibilities in the Territory on 26 February 1976, it was following the development of events in the region with grave concern, and trusted that formulas could be found which would lead to stability and peaceful understanding in the Maghreb region within the framework of a just and lasting solution to the problem of Western Sahara, harmonizing the legitimate interests of the various parties while taking into account the wishes of the Saharan people in accordance with General Assembly resolutions 3458 B (XXX) and 1514 (XV).

48. He reminded the Committee that at the end of its period of administration over the Territory, the Spanish Government had stated, in a letter addressed to the Secretary-General of the United Nations, that Spain henceforward considered itself free of any international responsibility with regard to the administration of the Territory and that the decolonization of Western Sahara would be complete when the opinion of the Saharan population had been validly expressed.

49. His delegation did not agree with some of the interpretations which had been advanced concerning the development of the process of decolonization in Western Sahara and United Nations doctrine on that process. Furthermore, reference had been made to alleged facts which did not correspond to historical reality. He categorically repudiated the accusations which had been made against his country, although he believed that it would be fruitless and inopportune to engage in polemics and that the important thing was to face the future in a generous and constructive frame of mind. In that regard, once again quoting the Spanish Minister for Foreign Affairs, he appealed for concord and dialogue between the parties, which his country would do everything it could to promote.

AGENDA ITEM 93: QUESTION OF EAST TIMOR: REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued) (A/32/73, A/32/90)

50. Mr. SHAMSURI (Malaysia) stated that, in his view, the process of decolonization

(Mr. Shamsuri, Malaysia)

had already taken place in East Timor in conformity with the objectives and purposes of the Charter of the United Nations and with General Assembly resolutions 1514 (XV) and 1541 (XV). He believed that the people of East Timor had already freely exercised their right to self-determination, in accordance with their own wishes, and that the international community should recognize that fact. As the delegation of Indonesia had stated at the 1089th meeting of the Special Committee on Decolonization, on 4 August 1977, the Provisional Government of East Timor and the Government of Indonesia had informed the United Nations of every stage of the implementation of the due democratic process to allow the people to exercise their inalienable right to self-determination. It was unfortunate that the United Nations had not been able to accept the invitation of the Government of Indonesia to send an observer mission to East Timor.

51. As his delegation had clearly stated at the previous session of the General Assembly, the process of decolonization need not necessarily conform to a rigid pattern. It had to be recognized that it would vary from Territory to Territory and from time to time. Furthermore, the question of self-determination had to be examined in different contexts, in the light of the attitudes of colonial Powers, the evolution of the political, social and economic systems of each country concerned, the historical background of the Territories and their relations with neighbouring countries and, most important of all, in the light of local traditions and customs.

52. As far as East Timor was concerned, its transition to independence had been disorderly, and the confusion created by the inability of the administering Power to maintain law and order had led to chaos and the threat of a bloody civil war, the effects of which would have affected the peace and security of the neighbouring State of Indonesia. Following the total collapse of the authorities of the Territory, Indonesia had responded to an urgent request for assistance and on 31 May 1976 the people of East Timor, through the elected members of the Regional Popular Assembly, had decided to become an independent territory by integrating with the Republic of Indonesia, becoming the twenty-seventh province of that country.

53. The process of decolonization in that Territory was irrevocable and irreversible, and, in the light of events, the people of that Territory should be allowed to pursue their own destiny without outside interference, reaping the benefits of the return to normalcy and peace. In such circumstances, the United Nations should support the efforts of the Government of Indonesia to promote the economic reconstruction and rehabilitation of the Territory, whose political situation should no longer be a subject of discussion in international organizations. The act of self-determination by the people of East Timor should be respected, and they should be allowed to pursue their social and economic development and to establish institutions, in a manner consistent with their customary practices and as a part of the Indonesian nation in an atmosphere of peace and harmony.

54. Mr. ARAUJO (Guinea-Bissau) said that history had left the African States, born of the struggle of their peoples against colonial domination, in a privileged position to consider the problem of the Sahara in its true perspective, as a problem of decolonization and the struggle of a people to exercise its right to self-determination and to defend the territorial integrity of the country. His delegation was confident that OAU would be able to find a solution to that African problem.

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(Mr. Araujo, Guinea-Bissau)

55. General Assembly resolution 1514 (XV) was the legal ground relied upon by peoples subjected to domination in defending their right freely to choose their own destiny. The refusal of the colonial Power, Spain, to comply with the recommendations in resolution 1514 (XV) had obliged the Saharan people to resort to arms and, in May 1973, to launch an armed struggle against the Spanish occupation, a struggle which was a clear expression of their will to put an end to domination and to determine their own destiny. It might have been expected that, after the Spanish colonial domination of the Territory, independence would follow, considering that the neighbouring countries, through their representatives, had reiterated their commitment to respect the right of its people to self-determination and to independence.

56. Unfortunately, despite repeated declarations, despite the fact that Spain itself had at one point declared itself ready to respect the will of the Saharan people, despite the report of the United Nations Visiting Mission, which had confirmed the representative nature of the Frente POLISARIO, the major political force in the Territory which advocated independence, despite the ruling of the International Court of Justice that there had never been any territorial ties between Morocco and Mauritania on the one hand, and Western Sahara on the other, and despite General Assembly resolutions 3458 A and B which reaffirmed the rights of the Saharan people, the Saharan people were still deprived of their rights. Western Sahara had been occupied and divided up by two neighbouring countries, with the support of the colonial Power, which had attempted in the Madrid Agreement to exercise a right which it had never had. The Saharan people and the international community were thus facing a situation of flagrant injustice which affected not only the Saharan people, but also the neighbouring countries, the consequences of which were incalculable.

57. The Saharan people were in that unfortunate and dangerous situation because the occupying forces had disregarded the principles of international law. The Saharan people had no alternative but to continue the struggle for national liberation which they had launched against the colonial occupation. That war, which continued as a result of the failure of the United Nations to take practical and effective measures, was the Saharan people's only guarantee of continued existence as a people. However, the risks it involved for the whole region were becoming more apparent every day as the struggle intensified. The United Nations should redouble its efforts to find a solution to the problem. Any such solution should be based on respect for the decisions of the Saharan people.

58. His Government's position was clear and could only be expressed in militant and active solidarity with the Frente POLISARIO and through support for the cause which the Saharan people were courageously defending. That attitude was not directed against anyone; it was based on respect for the right of peoples to decide their own destinies and for the guiding principles of international relations. It was regrettable that two countries whose struggle for independence had been exemplary were now in the position of those against whom they had struggled. He hoped that, in their history, those countries would find an inspiration to adopt a new position more in keeping with their own history and with a respect for the fundamental values which the international community had a duty to defend.

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(Mr. Araujo, Guinea-Bissau)

59. Since the aggression against the Territory of East Timor, his Government had consistently condemned the character of that invasion, appealed to the United Nations to fulfil its functions more effectively, demanded that the Government of Indonesia should change its position, and expressed its full solidarity with the people of Timor and with their liberation movement, FRETILIN. His Government was not the only spokesman of the world's conscience. The Security Council and the General Assembly, in several resolutions, had clearly expressed their censure and had proposed measures, sent visiting missions and demanded the immediate withdrawal of the occupation forces.

60. The information which had percolated through the wall of silence set up by the Government of Indonesia showed that the people of East Timor were struggling courageously for their independence against tragic odds. The Government of Indonesia had announced that 60,000 people had died in that struggle, which it wished to keep in the background, while FRETILIN had said that the figure was 100,000. The sacrifice of 10 per cent of the population was eloquent testimony to the desire of the people for liberty and their rejection of the invader.

61. The war in East Timor was an unjust war imposed upon a people eager to enjoy freedom after the colonial period, and constituted a flagrant violation of the principles of the United Nations. The idea that one country could annex another for political, military or economic reasons was a violation of the most elementary principles governing human relations and required the most vigorous condemnation. The time had come to go beyond appeals and condemnation and to take measures that would put an end to Indonesia's aggression against East Timor, so that its people could follow their chosen path.

62. Mr. ONDO (Equatorial Guinea) said that, in various international forums, the People's Revolutionary Government of the Republic of Equatorial Guinea had firmly maintained its opposition to colonialism, neo-colonialism, imperialism, racism and other pernicious doctrines which oppressed peoples and prevented individuals from achieving social well-being and freedom of action. His country had been the victim of large-scale barbarous Spanish colonial domination for more than 200 years, but was now a free State with the ability to determine its own destiny, thanks to the Constitutional President for Life of the Republic and Chairman of the Central Committee of the Unified National Workers' Party, Great Comrade Masie Nguema Biyogo Negue Ndong.

63. Although decolonization was reaching completion thanks to the efforts of the United Nations, the Committee still had on its agenda various questions requiring serious and conscientious consideration, such as the Falkland Islands, the British Virgin Islands, the United States Virgin Islands, the Cayman Islands, the Cocos (Keeling) Islands, the Turks Islands, Belize and Antigua. In addition to the major questions of Namibia, Zimbabwe and South Africa, developments in Western Sahara required clear and careful examination and, accordingly, he wished to reiterate his Government's views on that situation, which had caused, and was continuing to cause, the loss of innocent human lives and considerable material damage.

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(Mr. Ondo, Equatorial Guinea)

64. His delegation had listened attentively to the statement by the representative of the Frente POLISARIO, who had given a detailed account of the current situation in Western Sahara where a people found itself obliged to live in inhuman conditions merely because it had committed the sin of having expressed a desire to exercise its inalienable right to self-determination and independence.

65. For over 10 years, the United Nations had been concerned with decolonization in Western Sahara, and it had consistently affirmed that the Declaration on the Granting of Independence to Colonial Countries and Peoples in General Assembly resolution 1514 (XV) was applicable to that Territory.

66. Until 1975, the efforts of the United Nations to help the Saharan people to achieve true freedom from the clutches of the Spanish colonialists had been obstructed by the machinations of those imperialists, which had culminated in the signature of the Tripartite Madrid Agreement. That Agreement constituted an open betrayal of the legitimate cause of the Saharan people, a flagrant violation of international law and a dishonest shirking of its responsibility as administering Power on the part of Spain.

67. His delegation condemned the conduct of Spain, which, far from assuming its social and economic responsibilities and fulfilling its commitment to the international community to decolonize the Territory under its domination, had not only abandoned the oppressed Saharan people to their fate, but, in order to satisfy its imperialist inclinations, had provoked a fratricidal war and created an atmosphere of tension in that part of West Africa.

68. His country, as a full member of the Organization of African Unity, scrupulously complied with all the resolutions adopted by that organization and was ready to participate in the planned summit conference on the question of the Sahara. It regretted, however, that forces outside Africa were preventing that meeting from being convened.

69. It was quite clear that developments in that part of Africa called for the adoption of urgent and effective measures by the General Assembly in order to reduce tension and enable the Saharan people freely to exercise their inalienable right to self-determination and independence, with respect for their national sovereignty and territorial integrity.

The meeting rose at 6.05 p.m.