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**GENERAL
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FOURTH COMMITTEE

19th meeting

held on

Tuesday, 9 November 1976

at 10.30 a.m.

New York

SUMMARY RECORD OF THE 19th MEETING

Chairman: Mr. VRAALSEN (Norway)

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The meeting was called to order at 11.05 a.m.

AGENDA ITEM 25: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES: REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (A/31/23 (parts II, IV and V), A/31/23/Add.1, A/31/23/Add.4, A/31/23/Add.5 and Corr.1, A/31/23/Add.6-10, A/31/42, A/31/48, A/31/52, A/31/55, A/31/56, A/31/59, A/31/91, A/31/106, A/31/109, A/31/112, A/31/114, A/31/121, A/31/136, A/31/138, A/31/197, A/31/269, A/31/283, A/31/286, A/31/287, A/31/306; A/C.4/31/L.3) (continued)

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1. The CHAIRMAN said that draft resolutions had been submitted to the Committee on the United Nations Educational and Training Programme for Southern Africa (A/C.4/31/L.2) and on the question of the Solomon Islands (A/C.4/31/L.3).

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2. Mr. SEKYYI (Ghana) said that the General Assembly, with the co-operation of the Fourth Committee and the Special Committee, and of some administering Powers, had done useful work in the field of decolonization.

3. His delegation was, however, concerned to note that, despite the Secretariat's efforts, the information before the Committee was not as complete as it might have been. That was largely because some administering Powers had either not transmitted the information with the regularity required by the Charter and normal United Nations practice, or had decided not to submit such information, on the ground that the territories in question had become self-governing. However, the administering Powers generally took that approach when territories attained a status whereby, whatever the internal arrangements might be, the administering Power continued to be responsible for their defence and external relations. It was doubtful whether the concept of government held by those who had formulated the Charter excluded such important areas as defence and external relations, and even more doubtful that, when writing about self-government, they had had in mind anything less than unqualified control of the whole range of government, including defence, relations with neighbouring countries and access to international organizations and financial institutions. His delegation therefore questioned the validity of any unilateral disengagement from the obligations assumed under Article 73 e of the Charter, particularly when it was based on an arbitrary interpretation.

4. Much remained to be done in regard to decolonization. Indeed, racial imperialism was still entrenched in southern Africa, thanks to support from abroad, and it was there that decolonization would have to fight its hardest battle. Apart from southern Africa, it might seem as though colonialism in its classic form was everywhere in retreat, in deference to the principles championed by the United Nations. But the anomalies which still existed should not be forgotten: the continued occupation of Mayotte, which was an infringement of the sovereignty and territorial integrity of the Comoros and, in the Caribbean, the question of the electoral system in Bermuda. In the latter connexion, his delegation supported the Special Committee's recommendations regarding the introduction of electoral reform to ensure that the expatriate vote did not have a decisive influence on the question of the Territory's future status.

5. His delegation supported the Special Committee's draft resolution on the economic and other activities of foreign economic and other interests which were impeding the implementation of the Declaration (A/AC.109/540) and trusted that the Committee would endorse those recommendations.

6. It was also necessary to recognize the existence of a well-defined category of territories where the decolonization process appeared to have moved into a peculiar and especially difficult phase. Certain features, common to all the territories in that group, were to be discerned; the principle of self-determination had prevailed over the claims of the metropolitan Power, which had withdrawn from the scene or was ready to do so, and in place of those claims others had arisen from a more powerful neighbour or neighbours, which did not have a tradition or

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(Mr. Sekyi, Ghana)

record of imperialism but generally shared in the legacy of colonial partition and had a common frontier or some other less clearly defined bond of interest. Among cases of that kind, which had recently given rise to difficulty, was the case of Belize. In the present circumstances, any claim relating to Belize, even if well founded in law, should give precedence to the inalienable rights of the people of the Territory. The most equitable solution might lie either in the fulfilment of the conditions of cession or in fair compensation for their non-fulfilment. That was a matter for negotiation, whereas the right of the people of Belize to self-determination was not.

7. Even more serious than the case of Belize were the cases of East Timor, Djibouti and Western Sahara. In two of those cases there had been not merely a threat but the use of force, and the United Nations had been expected to accept a fait accompli. In one of those three cases, the colonial Power had accepted the Territory's right to self-determination, but that right had now to be vindicated against not one, but two, more powerful neighbouring countries.

8. There was something profoundly disturbing about those developments. It meant that a new style of decolonization had to be confronted, and there might be a temptation to compromise or even discard the constant respect for those principles which had led to so many of the successes in that field. Any such step would be disastrous for the United Nations since, in an organization whose objective was to maintain peace, the abandonment of principles under the pressure of local interests could only lead to chaos. The General Assembly had no force but its moral force; the abandonment of its principles could only damage its credibility.

9. His delegation considered that the time had come to reinforce and clarify the principle of self-determination with a view to responding more effectively to the requirements of the decolonization process. None of the parties concerned denied the validity of self-determination; indeed, the integration of East Timor into Indonesia had been defended as a perfectly valid act of self-determination, and all the parties to the Djibouti problem agreed that it should be resolved by an authentic act of self-determination. Most recently, it had been reported that the Moroccan authorities intended to consult the Saharan people, as an act of self-determination, concerning the Territory's future.

10. While it was encouraging to note that almost all the parties concerned in those problems regarded self-determination as an inalienable right, there were still differences of opinion about what constituted a valid act of self-determination. A careful study of the relevant statements and resolutions could clear up doubts and settle those differences. Ghana, for its part, would not depart from the basic principles which had always guided it as a member of the OAU and of the non-aligned movement and as a forerunner of self-determination on the African continent.

11. In its consideration of the questions before the Committee, his delegation would be guided by the principles laid down by the OAU Council of Ministers at

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(Mr. Sekyi, Ghana)

its twenty-seventh session, held at Port Louis, Mauritius, and the Conference of Heads of State or Government of Non-Aligned Countries, held in Colombo.

12. Mr. SKINNER-KLEE (Guatemala) said that when the General Assembly had adopted resolution 3432 (XXX) at its thirtieth session, his delegation had pointed out that it was in essence illegal, as it represented an attempt to intervene in negotiations held between sovereign States for the purpose of settling an international dispute. Nevertheless, the Assembly should be informed about developments in the ongoing negotiations between the United Kingdom, in consultation with the Government of Belize, and the Republic of Guatemala, in keeping with Article 33 of the Charter.

13. There could be no doubt that negotiation was one of the most reasonable and expeditious means of resolving international disputes but, to produce positive results, frankness and sincerity were needed in setting forth the conflicting views which had given rise to the dispute. The adoption of any inflexible position deprived the negotiations of their *raison d'être* from the start.

14. With regard to the Belize issue, there were well-founded hopes that within a reasonable period of time negotiations could lead to a final settlement of the dispute. The first meeting at ministerial level had been held at New Orleans in April of the current year, and it would have been held sooner had it not been for the earthquake that had struck the Republic of Guatemala in February. Subsequently, in June and July, meetings had been held at civil-servant level in New York, and a further ministerial meeting had taken place in September in Panama City. More recently, from 26 to 28 October, a series of meetings at expert level had been held at San Pedro Sula, Honduras, to deal with the question of economic implications and agreements. At that meeting, the experts of Belize had been advised by Mr. Allistair MacIntyre, Secretary-General of the Caribbean Economic Community (CARICOM). At all these meetings progress had been made, especially in those areas which required mutual sacrifices; obviously it could not be expected that only one party to the negotiations, namely Guatemala, should make sacrifices.

15. In the light of the results already obtained and the prospect of a full and final settlement, his delegation expressed its preoccupation that once again an ill-conceived resolution might be introduced, in an attempt to impose specific parameters on the negotiations, thereby impinging on the freedom of one of the parties. It was to be hoped that good sense and goodwill would prevail, and, while having no desire to embarrass any delegation which might be contemplating the possibility of introducing resolutions along the lines of General Assembly resolution 3432 (XXX) he stressed that that would have adverse effects, as it would harden the positions of the parties, and thus undo the real progress which had been made so far and inflame public opinion. The positions adopted during the negotiations should not be subject to the changeable and temporal interests of electoral politics, as that would jeopardize an entire nation and future generations. His Government's only wish for Central America was that there

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(Mr. Skinner-Klee, Guatemala)

should be stability and security there, and that was why it was fearful of the introduction of ideological elements which would only distort the dispute and upset the area. Guatemala understood and respected the links between Belize and the Caribbean Economic Community, since it was in the prosperity and tranquillity of that privileged area of the world that the inhabitants of Belize must achieve the full development of their human and economic potential, but the solidarity so often professed by the nations of the Caribbean in the search for a settlement to the dispute must be objective and level-headed.

16. Latin America had found in international law, as the rule of coexistence among nations, the best safeguards for its own security. It was a mistake to believe that there was a dichotomy between the principles, norms and practices of international law and the expression of ideological and political principles. The United Nations had been established precisely as a means of maintaining world peace through the application and improvement of international law, and not through coercion by the overwhelming strength of numerical majorities.

17. The right of peoples to self-determination as the basis of the decolonization process had been proclaimed in General Assembly resolution 1514 (XV), which reaffirmed the principle of the territorial integrity of States. As the representative of the United Kingdom had already indicated, the problem of Belize was not a classic colonial problem, and although all colonial situations had specific characteristics, it was rare that they were as pronounced as in the case of Belize. What distinguished Guatemala's understanding of the problem from the way in which the representative of the United Kingdom saw it was the angle selected to view the specific outcome. The basic fact was that, in the negotiations, points of harmony and agreement had been found, and that was one more encouraging factor to those who were interested in a prompt settlement of the dispute.

18. Finally, he appealed to the prudence of the nations represented in the Committee not to introduce extraneous and controversial elements into the negotiations which were progressing so steadily and which, above all, were in accordance with the principles enshrined in the United Nations Charter.

19. Mr. ABDULAH (Trinidad and Tobago) said, first of all, that Barbados, Guyana and Jamaica endorsed the comments he proposed to make concerning Belize. The right of peoples in Non-Self-Governing Territories to self-determination, as set forth in the Charter of the United Nations and General Assembly resolution 1514 (XV), had been widely and unequivocally recognized and accepted by all States, including administering Powers, and had therefore become a peremptory norm of international law, from which no derogations were permissible.

20. His delegation considered that it was the duty of the Committee to ensure that the right of the people of Belize to self-determination was upheld, taking into account some basic factors. First, General Assembly resolution 1514 (XV) applied fully to the Territory of Belize. The numerous resolutions and decisions of the General Assembly confirmed that fact, which had been reaffirmed the previous year in General Assembly resolution 3432 (XXX).

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(Mr. Abdullah, Trinidad and Tobago)

21. Secondly, the people of Belize, through their elected representatives, had expressed their desire for independence. In his address to the Fourth Committee at the thirtieth session, the Premier of Belize had expressed the aspirations of his people for an end to their colonial situation and had requested a categorical affirmation by the United Nations of their right to self-determination and territorial integrity, and those aspirations had been confirmed once again by the Deputy Premier on 4 November 1976 (A/C.4/31/SR.15).

22. The third factor to be taken into account concerned the granting of independence to the Territory by the United Kingdom as the administering Power. But it was the fourth factor, the unfounded claim of Guatemala to the Territory of Belize, which had prevented the first three factors from producing a logical and natural outcome - the achievement of independence by Belize. That territorial claim had been such as to deny the people of Belize their right to self-determination and independence for the past 12 years. Clearly, the solution of the problem rested on negotiations between the United Kingdom and Guatemala to resolve their differences, but at the same time such negotiations must fully respect the freely expressed wishes of the people of Belize for self-determination, independence and territorial integrity.

23. The representative of the administering Power, in his statement to the Committee at its 15th meeting, had outlined the series of negotiations which had taken place since the adoption by the General Assembly of resolution 3432 (XXX). The delegation of Trinidad and Tobago welcomed the progress achieved and expressed the hope that the remaining obstacles to Belizean independence would be removed, in keeping with the principle of self-determination, because the internally unstable situation of Belize, over the past 12 years was being reflected in economic under-development. Although the Territory had the means to achieve a viable economy, the Government had already been obliged to divert for defence purposes a proportion of its limited resources, which could better have been utilized for the promotion of the economic and social development of the Belizean people. Moreover, the climate of uncertainty had discouraged the inflow of capital and badly needed skills, thereby depriving the local government of one of the means of economic development.

24. In 1976 Latin America was celebrating the 150th anniversary of the Amphictyonic Congress of Panama, when Simón Bolívar had set forth his ideals for the establishment of close and cordial relations between the new republics. The accession of Belize to full independence on the 150th anniversary of the Congress of Panama would be a fitting tribute to the memory of the Liberator and would help to forge stronger links with the countries of Central America.

25. His delegation therefore urged the General Assembly to reaffirm the inalienable right of the people of Belize to self-determination and independence, within secure boundaries; to call upon all States within the region to refrain from any action which would impede the legitimate aspirations of the people of Belize or which would threaten the territorial integrity of Belize, and called again

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(Mr. Abdulah, Trinidad and Tobago)

upon the United Kingdom Government, acting in close consultation with the Government of Belize and the Government of Guatemala, to continue its negotiations towards reaching a settlement that was mutually acceptable to all the parties involved.

26. Mr. RICHARDSON (United Kingdom) said that he would speak in exercise of his right of reply at a later meeting.

The meeting rose at 12.05 p.m.