

UNITED NATIONS
GENERAL
ASSEMBLY



LIMITED

A/AC.109/PV.284
30 September 1964

ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE TWO HUNDRED AND EIGHTY-FOURTH MEETING

Held at Headquarters, New York,
on Wednesday, 30 September 1964, at 3 p.m.

Chairman:

Mr. SONN
(Vice-Chairman)

(Cambodia)

1. Gibraltar (continued)
2. Fernando Póo, Ifni, Río Muni and Spanish Sahara
3. Statement by the Chairman
4. Programme of work

Note: The Official Record of this meeting will be the summary record, which will appear in mimeographed form under the symbol A/AC.109/SR.284. Delegations may submit corrections to that summary record for incorporation in the final version.

GIBRALTAR (A/AC.109/91 and 93; A/AC.109/L.142 and Corr.1, English only; A/AC.109/PET.265, 276 and Add.1, 278) (continued)

The CHAIRMAN (interpretation from French): In accordance with the decision taken by the Committee at its 280th meeting, I invite the representative of Spain to take a seat at the Committee table.

At the invitation of the Chairman, Mr. de Piniés, representative of Spain, took a place at the Committee table.

General debate

Mr. VELAZQUEZ (Uruguay) (interpretation from Spanish): My delegation had occasion to intervene in the General Debate on Gibraltar when the Special Committee considered the matter on 12 September of last year. We said at the time that, in our view and for the reasons which we then adduced, the Committee should endeavour to have the parties directly concerned -- namely, the United Kingdom and Spain -- solve their disputes, bearing in mind essentially the interests of the populations which might possibly be affected by any changes in their present status. This position was shared by the delegations of Iraq, Tunisia, Venezuela and Syria, who also pronounced themselves in favour of negotiations between Spain and the United Kingdom. Although some constitutional changes have taken place in the territory since that date, and although other arguments were adduced in our debates this year and the problem was analysed from a different point of view, my delegation does not feel that anything justifies a change in the stand which we took at the time. In intervening in the debate at this time, our only aim is to clarify some aspects of the juridical basis for our position which have been impugned by the representative of the United Kingdom.

Representatives may recall that, in its intervention, my delegation analysed paragraph 6 of resolution 1514 (XV) and showed that the aim of the co-sponsors of the resolution in that paragraph was to avoid indiscriminate and unconditional implementation of the principle of self-determination, an application which, in some cases -- and such cases are exceptional -- might affect so important a principle as that of the territorial integrity of States which is expressly enshrined in the Charter of the United Nations.

(Mr. Velazquez, Uruguay)

The representative of the United Kingdom, in his statement on 16 September of this year before Sub-Committee III, during the debate on the Falkland Islands, challenged the validity of this interpretation and expressed himself in the following terms, which I shall read in English:

(continued in English)

"If words mean what they say, this paragraph is an injunction addressed to all countries to take no action in the future. I stress 'in the future' because the word used in the resolution is 'attempt' whose consequence would be to split existing territories or States, or which would infringe their sovereignty in a manner inconsistent with the United Nations Charter, and in particular with Article 2 of the Charter. There is no justification for regarding this paragraph of resolution 1514 (XV) as constituting a limitation on the principle of self-determination assured by paragraph 2 of the same resolution and by Article 1 (2) of the Charter. Indeed, if it had been the intention of the General Assembly to indicate by paragraph 6 that, in cases where the principle of territorial integrity and sovereignty conflicted with the principle of self-determination, the principle of territorial integrity and sovereignty should have precedence, then it must be obvious that a completely different wording would have been used both in paragraph 6 and, especially, in paragraph 2 of the resolution. If such a wording had been used, placing such an important and far-reaching limitation on the principle of self-determination, I venture to suggest that the resolution might well not have commended itself to a majority of Members of the United Nations in 1960 or at any other time.

(Mr. Velazquez, Uruguay)

(continued in Spanish)

I shall, with permission, venture to make one or two observations. Firstly, in the interpretation of the representative of the United Kingdom nothing is said of what I have called the true history of this paragraph, the history which, I repeat, clearly shows the intention of the authors in introducing the principle contained in paragraph 6. As you may remember, during the discussion of the draft put forward by forty-three Afro-Asian countries which later became resolution 1514 (XV) the delegation of Guatemala introduced an amendment, the object of which was to add, after paragraph 6 as it stands, a new paragraph which said that the principle of self-determination of peoples may under no circumstances prejudice the rights to territorial integrity and territorial claims of any State. In explaining this attitude the representative of Guatemala said that although paragraph 6 already contained a categorical declaration his delegation wanted its point of view more clearly set forth. In his view, he said, that reservation was advisable since there were many territories which were in dispute or claimed by other States as an integral part of their respective countries and which were improperly in the hands of colonial Powers, and that settlements of these disputes were not to be found in the principle of self-determination since that might mean the violation of other fundamental principles -- for example, the principle of the territorial integrity of a State.

Subsequently, Guatemala's amendment was withdrawn in view of the statements made by several of the authors of the draft resolution who had interpreted paragraph 6 in the same sense as the Guatemalan amendment. In other words, the rights which had to be safeguarded were perfectly protected by paragraph 6. The representative of Indonesia spoke very clearly when he said that in incorporating this paragraph into the resolution his delegation bore in mind the fact that the continuation of Dutch colonialism in Western Irian constituted a partial violation of national unity and the territorial integrity of his country; and he added, I would stress, that the idea expressed in Guatemala's amendment was already clearly reflected in paragraph 6 of the draft resolution. That was why, according to the representative of Indonesia, the peoples and territories which the representative of Guatemala had in mind were already taken into account under the terms of that paragraph 6.

(Mr. Velazquez, Uruguay)

Thus everything goes to show that the intention of the sponsors -- and the representative of Iran confirmed it at the 946th meeting of the General Assembly -- was to avoid a too rigid and indiscriminate implementation of that principle having the effect, as I said just now, of prejudicing the territorial integrity and territorial claims of any State.

Although perhaps others may be more fortunate after reviewing and re-reading the records of the debate that took place at the fifteenth session of the General Assembly, my delegation at least has found in the verbatim records nothing which would show that the co-sponsors of the Declaration intended otherwise. The statement by the representative of Pakistan, of which one of the petitioners spoke, had in fact nothing to do with the problem before us. In these circumstances, there is nothing to indicate that paragraph 6 should be interpreted as the representative of the United Kingdom suggests. The representative of the United Kingdom insists that this paragraph looks to the future and not to the past. As we have already had occasion to state, we understand that, from the point of view of the colonial Powers, the consolidation of the status quo must perforce constitute one of the basic objectives of their policy, and that anything designed to remedy the injustices of the past, according to them, must always be projected towards the future and can never be retroactive. However, in this instance I have no objection to accepting part of the United Kingdom representative's contention -- because I think he is right -- that the word "attempt" implies a future action; but the key to the problem is not there. It consists of deciding to whom the injunction in paragraph 6 is addressed, and that injunction is clearly addressed not only to States administering colonial territories but also to this Committee. And this Committee has the specific obligation of giving full implementation to resolution 1514 (XV), for which reason we must bear in mind the prohibition contained in paragraph 6. In other words, none of our recommendations, none of the resolutions we adopt or the formulae we draw up for the implementation of the Declaration may -- and I am still speaking in the future tense -- either directly or indirectly, in toto or in part, contribute to the disruption of the territorial integrity or the unity of a country.

(Mr. Velazquez, Uruguay)

It would, in fact, be illogical, because what is forbidden to States under paragraph 6 should be permitted to the Special Committee when there is a specific principle in the Charter to the effect that the obligations it imposes are the responsibility not only of Members of the whole Organization and, therefore, of each and every one of its bodies.

If, through a hasty decision of this Committee, which decision did not take into account the very peculiar nature of the problem, any action should be committed which might imply the disruption of the national unity of a country, the Committee, far from being faithful to its mandate and the spirit behind it, would have incurred a flagrant violation of it and, perhaps without realizing it, would have contributed to the maintenance of, and given pretext of a theoretical nature for, a colonial situation that is perhaps one of the most insidious forms of colonialism.

I should like now to refer to the second argument adduced by the representative of the United Kingdom, concerning the principle of self-determination. As I said a few moments ago, the representative of the United Kingdom, concerning this point, said that, if so important a limitation had been introduced to this principle of self-determination, his delegation would have ventured to suggest that the resolution would not have commanded the support of the majority of the Members of the United Nations, either in 1960 or at any other time.

In the records of the 947th meeting of the fifteenth session of the General Assembly, we find not only the abstention of the United Kingdom when resolution 1514 (XV) was put to a vote, but we also find that one of the reasons alleged by the United Kingdom representative, Mr. Ormsby-Gore, to justify that abstention was the inclusion in the Declaration of paragraph 2, concerning self-determination. Mr. Ormsby-Gore said:

"... members of the Assembly will be familiar with the difficulties which have arisen in connexion with the discussion of the draft International Covenants on Human Rights and in defining the right to self-determination in a universally acceptable form. These difficulties have not yet been finally resolved by the Assembly, and we feel that it might have been better not to make the attempt now in a rather different context." (Official Records, General Assembly, Fifteenth Session, A/PV.947, para. 53)

(Mr. Velazquez, Uruguay)

But let us now consider the situation as it is -- in the present, not in the past. Is the general view of the United Kingdom, as expressed at the time, concerning the meaning of the principle of self-determination, still the same, or has it changed? To know whether any changes have occurred, we have a declaration, which was distributed only seven or eight years ago, contained in document A/5725, addendum 4, wherein we see the observations communicated to the Secretariat by the Government of the United Kingdom of Great Britain and Northern Ireland, concerning the principle of equality of rights and self-determination of peoples, to which reference is made in paragraph 5 of resolution 1966 (XVIII). Inasmuch as the representatives have that document in their hands, I shall merely point to two or three aspects of it that, in my delegation's view should be highlighted:

First of all, for the United Kingdom, self-determination of peoples is not a right as defined by paragraph 2 of resolution 1514 (XV), but rather what the document calls a "principle".

"In the opinion of Her Majesty's Government, although the principle of self-determination is a formative principle of great potency, it is not capable of sufficiently exact definition in relation to particular circumstances to amount to a legal right, and it is not recognized as such either by the Charter of the United Nations or by customary international law." (A/5725/Add.4, page 6)

To conclude that there is a right to self-determination, this document says elsewhere, is "to place an unwarrantable gloss on the Charter". It is obvious, then, that in the light of these views, the population of the territory under consideration by the Committee lacks the right to self-determination, since, I believe, we all agree that whatever the meaning of the word "principle", in international law, this notion is rather far-removed from the notion of a "right" -- in other words, of something that can be claimed juridically, which imposes,

(Mr. Velazquez, Uruguay)

by virtue of the bilateral nature of any juridical relationship, the obligation of one party to another. It is clear, then, that colonial peoples have no executive rights and -- I am quoting the words in the document -- no "enforceable rights" to self-determination.

Self-determination is but one of the objectives that, among many, must be pursued, not by colonial peoples, but by States administering such territories. This, to sum up, would appear to be the notion of self-determination, according to the official views expressed in that document.

Moreover, this principle -- not this right -- is applied primarily to independent States, and not to colonies; and thus interpreted as a principle -- applied primarily to independent States, and not to colonies, the United Kingdom considers that it must be linked to other concepts expressed and recognized within the United Nations Charter, such as, among others -- and I quote -- "the territorial integrity of States".

But even if we recognize, that, as does the United Kingdom Government, as a political principle -- and here we find a new limitation, since we no longer speak of rights or principles, but of political principles -- and even if we admit that as a political principle, it may be applied to other entities, not the State -- as, for instance, a Non-Self-Governing Territory. In any event, the document says that this principle "must be subject to the obligations of international law both customary and conventional". (Ibid., page 4)

And I should like these words clearly explained to me: "the right deriving from treaties".

Finally -- and I shall quote textually the reply of the United Kingdom Government, since it is pertinent to our case:

"If a 'right' of self-determination were held to exist it could be invoked in circumstances in which it would be in conflict with other concepts enshrined in the Charter. It could, for instance, be held to authorize the secession of a province or other part of the territory of a sovereign independent State, e.g. the secession of Wales from the United Kingdom, or the secession from the United States of America of one of its constituent States. It could also be held to authorize

(Mr. Velazquez, Uruguay)

claims to independence by a particular racial or ethnic group in a particular territory, or to justify, on the basis of an alleged expression of the popular will, claims to annexation of a certain territory or territories." (Ibid., page 5)

I do not think my delegation could have expressed its views in better terms than these. With this doctrine I think we have taken the good road. By "good road" it is not implied that there be the abandonment of any people or the sacrifice of legitimate interests. The interests of those peoples, as the Charter says, are above everything else.

In proposing that the dispute between Spain and the United Kingdom be solved through negotiation, the Committee, as I said in my earlier intervention, must stress the fact that its main objective must be the protection of the interests of those peoples and the well-being of the inhabitants of those territories, as expressly stated in Article 73 of the Charter.

Our Committee is not a tribunal that must render a decision on a dispute over national sovereignty by attributing or denying rights to one country or another. Our objective is connected with decolonization. But there are many ways of decolonizing -- not only through independence or free association.

(Mr. Velazquez, Uruguay)

Whoever integrates, and specially the State to which it belonged and from which it separated, also achieves decolonization. If the Committee encourages or promotes all these possibilities, it will have done a valuable piece of work that would be both prudent, realistic and just, and it will neither place a king on the throne nor take one off the throne, but will help to promote among peoples relations of friendship, which is one of the main objectives of the Charter.

Mr. KING (United Kingdom): In last year's debate on Gibraltar a number of speakers, including the representative of Spain, referred to Gibraltar as a Non-Self-Governing Territory, or even as a typical colonial territory, which the Special Committee was fully entitled by its terms of reference to study and discuss. My delegation did not challenge that description and contributed to the discussion in the usual way by giving an account of Gibraltar's economic, political and constitutional institutions and problems. Further details were given by Sir Joshua Hassan and Mr. Isola, representing the two main political groups in the territory; and this account has now been brought up to date in statements made last week both by my delegation and by Sir Joshua Hassan and Mr. Isola.

In my statement of 11 September 1963, I also said that, in the opinion of my delegation, this Committee was not competent to discuss or pronounce on the merits of the Spanish claim to sovereignty over the territory. I believe that this view is shared by the Committee as a whole; at any rate, I cannot recollect anyone expressing the view that the Committee is competent, or called upon by its terms of reference, to act as though it were a tribunal set up to consider, and adjudicate on, any territorial dispute between two Member States of the United Nations, even if those two States are both colonial Powers, and even if the territory in dispute is itself a colony. Indeed, I believe that at least a majority of this Committee would agree with the remark by the representative of Iraq at our 256th meeting, when he said: "This Committee is not entitled, and indeed, is not expected to take up disputes between Member States." (256th meeting, page 32)

(Mr. King, United Kingdom)

It is for this reason that my delegation considers it improper to enter into any detailed discussion of the legal questions arising out of the Spanish claim to Gibraltar as argued by the representative of Spain both in 1963 and last week. I will confine myself to two observations of a general nature.

First, I wish to say that my Government does not accept the interpretation of the Treaty of Utrecht presented by my Spanish colleague, nor does it accept that Spain has any right to be consulted on changes in the constitutional status of Gibraltar and its relationship with Britain. My Government is satisfied that the grant of Gibraltar to Britain under the Treaty, and as subsequently reaffirmed, was absolute and without any bar to constitutional changes in Gibraltar and the acquisition by its inhabitants of "a full measure of self-government" as the Charter requires. Gibraltar has been regarded as a Non-Self-Governing Territory within the terms of Article 73 of the Charter ever since information was first transmitted in accordance with paragraph (e) of that Article in 1946, and Gibraltar has consistently been treated by the United Nations as a Non-Self-Governing Territory. Even Spain does not deny that it is a colony. Given that the United Nations has consistently treated Gibraltar as a colony and that Article 73 applies to it, Britain would not have been fulfilling the requirements of that Article had it not taken steps to enable the Gibraltarians to advance towards a full measure of self-government. Surely, it is the ultimate irony that Spain should claim that Britain has been trying to deceive -- I use the Spanish representative's own word -- to deceive the United Nations by fulfilling its obligations towards Gibraltar under the Charter, and that it should seek to sustain its undisguised attempt to take over the people of Gibraltar by reference to resolution 1514, which proclaims the right of all peoples to self-determination.

Secondly, my delegation feels bound to express its surprise and regret at the contemptuous and menacing nature of the references in the Spanish representative's statement to the people of Gibraltar, a territory which, incidentally, he incorrectly described as an enclave. He described them as people "who call themselves Gibraltarians", as "so-called" or "pseudo-Gibraltarians"; he referred to them as people addicted to smuggling, to illicit expansionism -- whatever that may mean -- and to the "exploitation" of the

(Mr. King, United Kingdom)

hinterland of Gibraltar, apparently because they buy its vegetables and hire its workers. And, of course, there are the repeated references to the size of the population of Gibraltar, apparently based on the doctrine that a community of 17,985 souls is too small to have any rights at all. Even more regrettable and disturbing, in the view of my delegation, are the threats uttered by the representative of Spain against this small community, should it venture to claim its rights under the Charter; threats of economic blockade, of implacable barriers against ordinary human intercourse. These threatening and scornful references to the Gibraltar people by Spain indicate all too clearly the true value that should be placed on Spain's undertaking to protect the Gibraltarians' interests if they were to come under Spanish rule. In the opinion of my delegation, they are unworthy of a people for whom both the British people and -- as Sir Joshua Hassan and Mr. Isola have made clear -- the people of Gibraltar have great respect. It is necessary for me to state that my Government is fully conscious of its obligation to protect the welfare and defend the legitimate interests of the people of Gibraltar and will not hesitate for one moment to fulfil those obligations in whatever manner may be necessary.

(Mr. King, United Kingdom)

My Spanish colleague has argued that the principle of self-determination cannot apply to the people of Gibraltar. He has not made it clear why that should be so. This Committee would not, I am sure, accept the implied suggestion in the statement by the representative of Spain that the population of Gibraltar is too small to enjoy self-determination. It has repeatedly been said in this Committee and its organs that the size of a population is irrelevant to the applicability of the Charter and of resolution 1514 (XV). For example, the representative of the Soviet Union said, on 2 March this year, at the 220th meeting of the Special Committee:

"Small populations have exactly the same right to freedom as large populations." (220th meeting, page 17)

On the following day, at the 221st meeting, the representative of Iran said:

"Resolution 1514 (XV) applies fully and without exception to all colonial territories and peoples, large and small. It is merely a question of finding appropriate means to assist these populations in exercising their right to self-determination and independence."

(221st meeting, page 36)

At the following meeting, the 222nd, on the same day, the representative of Iraq pointed out that independence could be achieved in a variety of forms; you could have a:

"separate independent State, or you can be associated with an independent State, or a State or territory can be incorporated completely into an independent State ... but it is up to the people to decide what form of independence they should have and in what way they would like to achieve the independence which is guaranteed to them under the Charter of the United Nations." (222nd meeting, pages 27 and 28-30)

I do not think that further quotation is necessary to establish the point. The 17,985 people of Gibraltar -- or the 24,000, whatever figure one may choose -- are as much a colonial people as a population of a territory twice or five times or a hundred times their size. Nor do I think it necessary to answer the

(Mr. King, United Kingdom)

astonishing Spanish assertion that self-determination cannot apply because there is no identity between the territory and the people whose only home is Gibraltar. I find that assertion quite incomprehensible; moreover it is completely unsupported by anything in the text of the Charter or of resolution 1514 (XV). I do not think we need waste further time on that.

The representative of Spain also based his case for denying the application of the principle of self-determination to Gibraltar on his own interpretation of paragraph 6 of resolution 1514 (XV). He quoted the rather different interpretation of that paragraph by my delegation in Sub-Committee III, during the discussion of the Falkland Islands, and suggested that the United Kingdom alone adhered to that interpretation. That is of course quite untrue. In the opinion of my delegation, there can be no serious doubt about the meaning of paragraph 6 of resolution 1514 (XV). The paragraph states:

"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."

(General Assembly resolution 1514 (XV), paragraph 6)

It is obvious to my delegation that that refers to attempts in the future and that it cannot be twisted to give spurious backing to attempts by countries to acquire sovereignty over fresh areas of territory under centuries-old disputes. The paragraph is clearly aimed at protecting colonial territories or countries which have recently become independent against attempts to divide them or to encroach on their territorial integrity, at a time when they are least able to defend themselves, with all the stresses and strains of approaching or newly achieved independence. One has only to recall the question of the secession of Katanga from the Congo, which was the major, if not the most important, issue before the General Assembly in 1960 when resolution 1514 (XV) was prepared, discussed and adopted, to recognize that that was in fact the intention behind the paragraph. Contrary to what my Spanish colleague has suggested, the United Kingdom is far from being alone in accepting such an interpretation of the paragraph. The leader of the Gibraltar Opposition, Mr. Isola, quoted in his statement to this Committee on 23 September last from a number of speeches made

(Mr. King, United Kingdom)

during the debate in the General Assembly on resolution 1514 (XV), in support of the interpretation of paragraph 6 which I have just given. That included statements by the delegations of Pakistan and the Soviet Union. Let me quote again what the representative of the Soviet Union said in 1960 in the General Assembly -- he was referring to the Guatemalan amendments which would have laid it down that territorial claims took precedence over the principle of self-determination, in exactly the way that the representative of Spain suggests that paragraph 6 already does. This is what the representative of the Soviet Union said:

" ... the Soviet delegation is unable to support these amendments since they provide for a limitation of the fundamental right of all peoples to self-determination and are thus contrary to paragraph 2 of the declaration in the African-Asian draft resolution, which quite rightly states that 'All peoples have the right to self-determination'." (A/PV.945, paragraph 128)

As Mr. Isola rightly said, at least two of the sponsors of the original draft, which included the present paragraph 6, made it clear in their statements in that debate that this was the interpretation they placed on paragraph 6. To take just one more example, one which was not quoted by Mr. Isola in his statement, I would refer the Committee to the statement made by the representative of Iran at the 926th meeting of the General Assembly, on 28 November 1960. The representative of Iran went through the draft resolution paragraph by paragraph, and when he reached paragraph 6 he had this to say:

"It is of course understood that any act of aggression against an independent State constitutes a crime against humanity. This crime takes on an even graver complexion when it is directed against a country which has just attained its independence and is traversing the difficult initial stages of development.

"Member States, and especially the former Administering Powers, must, moreover, refrain from any attempt at the partial or total disruption of the national unity and the territorial integrity of a country." (A/PV.926, paragraphs 70 and 71)

(Mr. King, United Kingdom)

I have listened with close attention to the further arguments on this subject presented today by the representative of Uruguay, but I do not think that he has in any way weakened what I have said. The Indonesian statement in 1960, to which the representative of Uruguay refers, was not made on behalf of the other sponsors of the draft resolution, and Nepal and Pakistan, both sponsors of the draft resolution, made it quite clear that they did not support the Indonesian interpretation. I will quote the words of the representative of Nepal at the 935th meeting of the General Assembly:

"The sixth principle cautions, in the light of the living experience of the colonial territories, against any attempt on the part of the colonial Powers at the partial or total disruption of the national unity and the territorial integrity of the colonial country by stating that such attempts would be incompatible with the Charter of the United Nations."

(General Assembly, Official Records, 935th meeting, page 1136)

I think that this makes the intention behind paragraph 6 admirably clear, and I hope that in the light of all this evidence, we shall hear no more attempts to base arguments directed against the application of the principle of self-determination to colonial peoples on the wording of this paragraph of Resolution 1514.

As for the remarks by the representative of Uruguay about the right to or the principle of self-determination, I do not think I need say more than that in this particular case -- the case of Gibraltar -- the question whether self-determination is a right or a principle seems to my delegation entirely academic.

The representative of Spain, in his statement on 24 September said:

"We were also assured that Great Britain was prepared to respect the commitments it had undertaken at Utrecht and that, consequently, the present inhabitants of Gibraltar could never be granted those rights which they claim today before this Committee and which were not provided for in the Treaty of Utrecht." (282nd meeting, pp. 21 and 22)

The Spanish representative went on to quote the words of Mr. Nigel Fisher, a British Minister, in the House of Commons in April 1963, when he said:

"No constitutional changes are at present under consideration."

(Mr. King, United Kingdom)

I want to make it quite clear that my Government has never given any assurance of this kind to the Government of Spain, and the words spoken by Mr. Fisher do not convey any such assurance and can never have been taken by Spain or any other interested party as constituting such an assurance. My Government does not accept that there is any commitment under the Treaty of Utrecht binding us to refrain from applying the principle of self-determination to the people of Gibraltar. Mr. Fisher was replying to a question about the constitutional changes at that time being considered for Gibraltar; his answer was simply a factual statement of the position as it then was. My delegation completely rejects the attempt by the Government of Spain to establish that there is any conflict between the exercise of self-determination by the people of Gibraltar and the provisions of the Treaty of Utrecht, and the United Kingdom Government has never given any contrary assurance to Spain or anyone else.

In my statement on 23 September of this year, I gave the Committee an unqualified assurance that the constitutional changes recently introduced in Gibraltar will in no way damage the interests of Spain or indeed of any other country. I also said that whatever constitutional developments might be worked out in the future between my Government and the representatives of the people of Gibraltar, I was entirely confident that these would in no way be such as to impede the development of harmonious relations between Gibraltar and Spain. I repeat these assurances to the Committee now. We have heard the Spanish petitioners and the representative of Spain describing in great detail the economic and social inter-dependence of Gibraltar and its Spanish hinterland. Of course, it cannot be seriously contended that economic inter-dependence gives either party a claim to sovereignty over the other; such an interpretation of ordinary commercial and other links between neighbouring countries would indeed throw the map of the world into disorder. But, given the existence of these links between Gibraltar and Spain, it would indeed be foolish of the Gibraltar people to adopt as their constitutional objectives any status or solution that would arouse justifiable resentment or fear on the part of Spain. They have never done so, and I do not think that there is any reason to suppose that they ever will. Moreover, my Government has given assurances both privately and

publicly to the Government of Spain that developments in this neighbouring territory do not in fact threaten Spanish interests. The representative of Spain in his statement quoted at length from the memorandum by the Spanish Government dated 6 April of this year and given to the British Ambassador in Madrid. He referred to the British note of 1 June in reply but he did not quote the concluding sentence of that British note. With your permission, Mr. Chairman, I will read it to the Committee:

"For their part, Her Majesty's Government wish to repeat that, without in any way departing from their view that they are under no obligation to consult with Spain on matters concerning Gibraltar, they were always willing to discuss ways in which good relations between Spain and Gibraltar could be maintained, and any causes of friction eliminated."

My Government is still ready, and is always ready to discuss these matters with Spain, with the one reservation that my Government, is, of course, not prepared to discuss the question of sovereignty with Spain.

Perhaps I may attempt to sum up the position. The Government of Spain, relying on a 250-year old Treaty, asserts that any granting of any political rights to the people of Gibraltar conflicts with that Treaty; Spain has uttered unmistakable threats against Gibraltar in the event of further constitutional advances conferring a greater degree of self-government on that territory; and the representative of Spain comes before this Committee to ask for United Nations endorsement of that position.

(Mr. King, United Kingdom)

My delegation, on the other hand, has described to this Committee the detailed ways in which Her Majesty's Government is applying and implementing the principle of self-determination and the objectives of General Assembly resolution 1514 (XV) to the people of Gibraltar, and we have demonstrated that in giving a greater degree of self-government to Gibraltar, and in accepting that it is for the Gibraltar people to decide what their ultimate status should be, we and they have posed and will pose no threat to Spain or any other country.

As I have already said, and as my Government has repeatedly made clear, the United Kingdom Government fully accepts that the people of Gibraltar should choose the form of their association with Britain and whenever the elected representatives of the Gibraltar People wish to advance proposals of this kind, the United Kingdom Government will be ready to consider them and to work out with the Gibraltarian representatives arrangements for a continuing association acceptable to both parties. I am sure that whatever these arrangements might be, they will be such as to ensure that harmonious relations between Gibraltar and Spain will not be endangered.

My delegation asks the Committee to consider the contrast between this attitude on the part of my Government and the sterile and backward-looking approach of the Government of Spain, which takes no account either of the human realities of the present situation in Gibraltar or, indeed, of the United Nations Charter itself. This Committee has repeatedly dedicated itself to the service of colonial peoples everywhere; to the protection of their interests and the assurance of their rights to decide for themselves how they wish to be governed. My delegation calls upon the Committee now to live up to those higher purposes.

Mr. de PINIES (Spain) (interpretation from Spanish): My delegation reserves its right to reply in due course to the statement which has just been made by the United Kingdom representative.

The CHAIRMAN (interpretation from French): The Committee will take note of the statement which has just been made by the representative of Spain.

(The Chairman)

It appears that no other representative wishes to speak today on the first item on our agenda. The Chair, however, would appeal to all representatives who wish to speak on this question to be ready to speak at the next meeting of the Special Committee.

FERNANDO POO, IFNI, RIO MUNI AND SPANISH SAHARA (A/AC.109/94 AND 95;
A/AC.109/L.144; A/AC.109/PET.254-256)

The CHAIRMAN (interpretation from French): In accordance with the decision taken by the Committee at its 280th meeting, I invite the representative of Spain to be good enough to keep his place at the Committee table during the consideration of this item.

In a letter dated 22 September 1964 addressed to the Chairman of the Special Committee, the Deputy Permanent Representative of Morocco has asked for permission to speak in the Special Committee on the item concerning the Moroccan Territories administered by Spain. This letter is contained in document A/AC.109/94. I assume that this refers to item 2 on our agenda, and unless I hear objection, I shall take it that, without prejudice to the position of any member on the status of those territories, the Special Committee agrees that I should invite the representative of Morocco to take part in the consideration of this item.

At the invitation of the Chairman, Mr. Sidi Baba, representative of Morocco, took a place at the Committee table.

The CHAIRMAN (interpretation from French): In a letter addressed to the Chairman of the Special Committee, dated 21 September 1964, the Permanent Representative of Mauritania has asked for permission to take part in our discussion on African territories under Spanish administration. Unless I hear objection, I shall take it that the Committee agrees that I should invite the representative of Mauritania to take part in the discussion of this item.

At the invitation of the Chairman, Mr. Miske, representative of Mauritania, took a place at the Committee table.

Mr. de PINIES (Spain) (interpretation from Spanish): Once again my delegation comes before this Committee in the study of the items assigned to it and which appear in the agenda under the title of Fernando Poo, Ifni, Rio Muni and Spanish Sahara. With the same spirit of co-operation with which we always come before the General Assembly, its different committees and its subsidiary bodies, we appear on this occasion to continue our work.

Having participated in an intense manner in the Committee on Information on Non-Self-Governing Territories, which in past sessions led me first to occupy the post of Vice-Chairman and later that of Chairman, I would not be exaggerating if I expressed our satisfaction at the orderly manner in which the functions of that Committee were absorbed by the Special Committee entrusted with the task of implementing the Declaration on the granting of independence to colonial countries and peoples, a Committee which, in United Nations jargon, has become known as the Committee of Twenty-Four, so worthily presided over by your Excellency.

My delegation cannot let this opportunity pass without expressing our thanks for the co-operation rendered to us by the Department of Trusteeship and Non-Self-Governing Territories, presided over by our friend, Mr. Amachree, the Under-Secretary. In congratulating him, I would ask him to extend those congratulations to all those who co-operate with him.

It was not an easy task to adopt the procedure and methods to the new standards dictated by the General Assembly, since the information usually transmitted followed a procedure that led it to the Committee on Information, and, within that Committee, a system of equality with the administering countries led each one to fulfil his responsibilities within the spirit and letter of the United Nations Charter.

Now the procedure is different; the information and the data we transmit do not constitute the only basis for the information received by the Committee; and although this naturally prevents us from supporting all the information that reaches the members of the Committee, there is no doubt that as far as we are concerned, we must consider such information as a substantial and positive contribution to the aims of decolonization.

My delegation, when it received the pertinent communication which, by recommendation of the Working Group and by a decision of this Committee, was sent to us by its Chairman on 30 April 1964, answered in a letter from our Permanent Representative Ambassador Aznar. This letter encompassed the important development that had taken place in the territories of Fernando Poo and Rio Muni. In accordance with a law that was enacted and submitted to a referendum, inspired by the principle of self-determination of its populations as clearly proclaimed by the Spanish State, we arrived at the juridical, political and administrative creation of Equatorial Guinea, composed of those two territories, and organized today under an autonomous regime governed by basic legislation and its supplementary norms. It would therefore be advisable for this Committee to take note of the fact that both territories, Fernando Poo and Rio Muni, in future should be called Equatorial Guinea. That Equatorial Guinea has its own Government and possesses broad powers to proceed in the future under dynamic legislation which, as I have said, is based on the principle of self-determination. Its future will then be decided on by its own inhabitants.

You may recall that approximately a year ago I informed you of the important measures that were to be submitted to a referendum in Spanish Equatorial Guinea. The expected development, the referendum, took place this year; approval of the basic legislation for Equatorial Guinea; constitution of municipalities and of the Government by its own inhabitants. I am happy to inform the Committee that the Government bodies are functioning normally without the slightest incidents.

(Mr. de Pinies, Spain)

As regards the other territories included in the item we are discussing, and concerning whose situation we made a detailed statement last year, a careful perusal of document A/AC.109/71, containing the letter from the Permanent Representative of Spain mentioned earlier, in our view, furnishes all the necessary elements of judgement which, from the point of view of doctrine and conduct, might be of interest to the members of this Committee. And in order to help to clarify the matter further, I must point out that, in our view, the best means for the solution of the existing problems between two countries is that of direct negotiation if those countries, as it is so in this particular case, really want to come to an understanding.

This is the spirit of Spain and we have given continued proof of this fact. As an eloquent example, may I refer to our excellent relations with Morocco. They were left open to very wide horizons on the occasion of the unforgettable interview between King Hassan II and the Head of the Spanish State in May 1963, and were confirmed by the visit to Rabat of our Foreign Minister, Mr. Castiella, in July 1964.

All this leads us to hope and expect a satisfactory development for all the problems that concern Moroccans and Spaniards. We stated last year, and we have repeated this on different occasions, that the climate of good friendship that governed the official interviews between Spaniards and Moroccans, and which gave rise to relations of true friendship, will no doubt enable us to solve, in a spirit of understanding and mutual confidence, the pending disputes. This attitude of being prepared for a dialogue is permanent in Spain and the basis of its conduct in the field of foreign policy.

Mr. SIDI BABA (Morocco) (interpretation from French): Mr. Chairman, first of all, I should like to thank you and the members of the Committee for having been good enough to give my delegation the opportunity of expressing its views on the item of the agenda which is at present under consideration in this Committee.

What my delegation will say in this statement does not differ substantially from what it had the occasion to state previously, either in this Committee last year or previously to the competent Committees of the United Nations since 1957. However, I would take pleasure in stressing that the case as stated here in this Committee during your meetings of September 1963 by the two delegations concerned, namely, those of Morocco and Spain, were stated in a spirit of frankness and friendship and, I would even say, to the satisfaction of both parties. My delegation hastens to state that it proposes to remain faithful to this spirit. It is ready to do so particularly since last year relations between my country and Spain have not ceased to develop in a climate of mutual confidence, thanks to what is commonly known to us as the "Barajas" spirit, that is to say, the will proclaimed by the two Heads of State during the meeting which took place in July 1963 at the Madrid airport, a will to intensify the policy of rapprochement between the two countries and to create the necessary conditions for the settlement of all Spanish-Moroccan problems in a spirit of friendship and mutual understanding.

(Mr. Sidi Baba, Morocco)

Since that event -- which we very properly describe as most important -- it can now be stated with certainty that relations between Morocco and Spain are about to resume their normal course and, what is still better, that the ties of friendship between our two Heads of State, ties which exist traditionally between our two peoples, are now beginning to bear the mark of mutual trust, understanding, and concern to find solutions which would be most suitable to the outstanding issues. It is thanks to this spirit that, through the years 1963 and 1964, several members of our Government, especially the Moroccan Foreign Minister have visited Madrid. On our side, we have had the honour, during the same period, of receiving several highly important members of the Spanish Government. The most recent of these events was the visit of His Excellency Mr. Castiolla, the Spanish Foreign Minister, whose visit took place last July and the results of which have encouraged high hopes concerning future relations between our two countries in various fields of co-operation. Thus, at the present time it is no exaggeration to state that, since last year, the balance in our relations is on the credit side.

I might add that my delegation is convinced that these happy developments will be marked by other developments of importance in which Spain will turn the last page in the colonial history of its African policy. On its part, Morocco will have the opportunity, so long awaited, to cease to endure a situation inherited from a colonial past which is now at an end but which handicapped its persevering efforts towards achieving a long-term policy of friendship and co-operation with its great neighbour to the north.

In view of what has taken place, I must stress that the concern of my delegation in wishing to speak here once again in this debate is not to emphasize our rights or to ask this Committee to take decisions which would not be agreeable to our Spanish friends. The course which my country has decided to pursue in order to settle our national problems is that of bilateral negotiations with Spain. In taking part in this debate, it is above all a question of principle. As most of you are aware, Morocco, ever since it became independent, has never missed an opportunity to state its reservations and to claim its legitimate national rights in the competent bodies of the United Nations, and it is thus that my delegation has wished to act today. Nevertheless -- and this should be carefully noted -- we wish to act

without prejudice to the fact that at the present time the state of the relations between my country and Spain is encouraging and permits us to hope in all seriousness for the possibility of reaching a negotiated solution. Therefore, it is not at this stage of the development of relations between our two countries that a delegation such as mine could have any wish to disturb, to the smallest degree, such a favourable situation.

Permit me to recall, however, that the representative of Spain, in an important statement made last year before this Committee during debate on this same item on the agenda, said:

"We repeat once more that, aware of the phenomenon of decolonization, not only do we not oppose it, but, as far as Spain is concerned, we shall co-operate with the United Nations in guaranteeing the progress of this process."

I emphasize particularly this last phrase: "in guaranteeing the progress of this process".

In these happy circumstances, my delegation hastened to welcome this realistic and sensible position. Morocco is indeed, of all countries, the one with the best reason to express its satisfaction with this positive attitude. This is due largely to the fact that my country, which considers itself so close to Spain because of many links of memory and through common interests, expects that, as a consequence of this new Spanish policy, its territories will be restored to it. We also consider -- and this is not the least important point -- that Spain, in liberating its African colonies, in so doing will perform a useful work and play a role worthy of its tradition of justice and freedom. The Afro-Asian world as a whole cannot but be grateful for this.

I should also like to stress that this valuable co-operation on the part of Spain with the United Nations has already begun to manifest itself concretely in the Spanish colonies of equatorial Africa. Structural reforms planned for some time have just been introduced in Fernando Póo and Rio Muni as a first step in an important political procedure. This is a particular sign of encouragement because it demonstrates a worthy effort towards decolonization, an effort in which the United Nations and all people devoted to liberty and justice are actively participating.

With regard to the Spanish Sahara and Ifni, I must simply say that the Moroccan people have good reason in this case also to hope that Spain will act in a spirit of co-operation and understanding. There are many signs which justify these hopes, and I need only mention the many manifestations of friendship and sympathy recently recorded in the north as well as in the south.

Concerning the situation of these two territories I should like to quote again from a statement made by the representative of Spain who, in the above-mentioned declaration, after speaking of the meeting between our two Heads of State, said:

"The Committee will certainly understand that at certain given moments there have been differences of opinion between these two countries which are so closely united by a common history and by fraternal links, differences which are in the process of disappearing. It is precisely for this purpose that this favourable climate has been created, allowing us to study, in a spirit of understanding and friendship, not only these territorial problems, but other problems of administration, which we have described as outstanding differences between the two countries."

My delegation is happy to state that this favourable climate which was mentioned last year and which has been evident since that time -- and to which the representative of Spain has referred -- has only become strengthened with time, thanks not only to reciprocal goodwill, to confidence and to the efforts pursued on both sides, but also to the depth and sincerity of the friendly sentiments which unite our two peoples.

The Committee, in taking up once again the question of the Sahara and Ifni, is devoting itself to the study of an essential element which we, on our part describe as the Spanish Moroccan contentieux. Without its being necessary at this stage to advance the matter before this Committee from the historical and juridical point of view, I would only say that it is a question of territories inhabited by a typically Moroccan population, of the same ethnic origin, speaking the same language and practising the same religion. Before having been occupied by Spain, during the years following the establishment of the protectorate, these regions were administered in the name of the Moroccan State and its inhabitants, quite naturally, claimed Moroccan nationality. On the administrative level, in the

colonial sense of the term, these territories were at all times placed by the Administering Authority under the same authority -- and this despite the fact that they were separated geographically. We know, however, that for about three years, an administrative structure decided upon by the Spanish authorities. brought certain changes; and it is probable that this explains the order of presentation in which we have presented a separate list to the United Nations in the document submitted for the agenda item of this Committee. In this connexion, my delegation would like account to be taken of the fact that a separation of this nature is not necessarily incompatible with the need to contemplate an over-all settlement of the statute of these territories. This is a point to which we attach great importance and to which we already have had occasion to draw the attention of the Committee members since last year.

The information which I have just given will contribute, I hope, to a better understanding of one of the problems which the Committee is studying within the framework of its terms of reference. My delegation hopes that the Committee's task will be greatly facilitated thanks to the understanding and realism of the Administering Authorities. We hope that under the benevolent prompting of the United Nations the few regions of the world which are still dependent may be able to free themselves from foreign domination and colonialism.

I should also like it to be noted that my delegation, on the question of Gibraltar, can only express its sympathy for the Spanish delegation in the efforts it is making to put an end to the existence of a colonial presence which is so prejudicial in many ways and which, since the independence of Malta, remains the only point in Europe which the Committee on decolonization must continue to examine.

The Moroccan delegation is confident that Spain, on its part, is resolved to effect a new policy inspired by a spirit of modernity, based on the principles of liberty, justice and the primacy of the interests of the population which it administers in Africa. Guided by the obligations which it assumed under the Charter, aware of the phenomenon of decolonization, this great nation is now affirming its will to co-operate with the United Nations to guarantee the progress of this process, as has been declared here last year by its representative.

(Mr. Sidi Baba, Morocco)

To this positive attitude at the African and international level, we should like to add, at the risk of repeating ourselves, that at present relations between Morocco and Spain are particularly encouraging. They are developing in a spirit of friendship and co-operation. The respective heads of our diplomatic services have recently -- in July last -- outlined ways and means for the two countries to solve their problem and to make their contribution to peace and to the development of this important geographic zone in which they live side by side. They agreed on the need to cement relations between Spain and Morocco by putting into effect common projects designed to solve as a matter of priority the problems arising from their mutual development. In view of this situation, our friends and all those who have always supported our national cause in this Committee can only take pleasure at this very favourable development of our relations with Spain.

Because of all these considerations, which I have stated briefly, what my delegation would venture to ask of the members of the Committee is to consider, as was done last year, in connexion with the question of so-called Spanish Sahara and Ifni that negotiations between Morocco and Spain should take place in order to find a solution to the problem raised by the situation with respect to the future of these two territories, and to express the hope that these negotiations will be successful in the near future.

The CHAIRMAN (interpretation from French): The representative of Mauritania has informed me that he wishes to speak at the next meeting of the Special Committee. Thus I have no further speakers on my list on the second item on our agenda.

Does any delegation wish to speak today on this item?

As I see that no delegation wishes to speak, this Special Committee will take up the third item on its agenda concerning the territories of Basutoland, Bechuanaland and Swaziland. I have no speakers on my list. Does any delegation wish to speak on this third item on our agenda?

I see there are no speakers. Accordingly, we have concluded our work for today. I assume that the Special Committee before setting the date for its future or subsequent meeting will be interested to hear a communication from the Chair. But first I should like to invite the representatives of Spain, Morocco and

(The Chairman)

Mauritania to withdraw, as we have concluded our consideration of our agenda for today.

Mr. de Piniés, Mr. Sidi Baba and Mr. Miske withdrew.

STATEMENT BY THE CHAIRMAN

The CHAIRMAN (interpretation from French): Members will recall that at our last meeting and after hearing the statement of the petitioner, Mr. Nank, concerning the territories under Portuguese Administration, the Committee decided that delegations wishing to put questions to the petitioner should do so at our next meeting so as to have time to study the statements. After informal consultations with the members of the Committee I understand that no delegation wishes to put questions to the petitioner. Therefore, if there is no objection, I shall inform the petitioner who is at present in this room that his declaration will be taken into account when the report on the territories under Portuguese Administration which has to be submitted by the Committee to the General Assembly is being drawn up, and he is free to leave if he so wishes. If I hear no objections I shall take it that is so decided.

It was so decided.

PROGRAMME OF WORK

The CHAIRMAN (interpretation from French): I should like now to consult the Special Committee on the date of its next meeting. On this point I should like to suggest that the Special Committee meet next Friday afternoon at 3 p.m. May I add that tomorrow, Thursday, and Friday morning will be devoted to meetings of the Sub-Committees.

If there is no objection it will be so decided.

It was so decided.

The meeting rose at 5 p.m.