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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: reports 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) 1

President: Mr. Amintore FANFANI (Italy).

AGENDA ITEM 23

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

1. The PRESIDENT (translated from French): We are continuing discussion of agenda item 23. I would inform the Assembly that Nigeria has joined the list of sponsors of the draft joint resolution [A/L.476/Rev.1].

2. Document A/L.478 contains a motion submitted by the United States of America. I ask the Assembly to discuss this motion first. It reads as follows:

"The General Assembly considers that the draft resolution contained in document A/L.476/Rev.1 makes recommendations with respect to the maintenance of international peace and security; accordingly, Article 18, paragraph 2, of the Charter applies."

3. Miss BROOKS (Liberia): On a point of clarification only: at the close of the meeting on Friday [1400th meeting], I think there was before us a motion proposed by the representative of Mali regarding the procedure to be adopted in voting on this draft resolution. I should like to know what is now the position concerning that motion proposed by the representative of Mali.

4. Mr. COULIBALY (Mali) (translated from French): It will be recalled that during our meeting on Friday afternoon [1400th meeting], when presenting the nineteen-Power draft resolution [A/L.476 and Add.1], I concluded by submitting a procedural motion, in which I proposed that the draft resolution be the subject of a simple majority vote. I put forward this motion when presenting the draft resolution because last week we witnessed manoeuvres towards an

abusive interpretation of the United Nations Charter and of the rules of procedure of the General Assembly.

5. If need be, I shall express the viewpoint of my delegation on the motion submitted by the representative of the United States of America [A/L.478]. I was very surprised to find this motion as a separate item on the agenda of the meeting. Admittedly, in this house one gains new experience every day; but I must say that this is the first time I have seen a motion appear as a special item on the agenda of a meeting. I thought that the United States motion was bound up with the more general question that we were at present discussing. But at this stage, and without prejudice to the viewpoint of my delegation on the substance of the motion submitted by the representative of the United States, I should like to recall that my motion was put forward before that of the United States. Consequently, under the rules of procedure of the General Assembly, my motion has priority; in other words, the Assembly must first take a decision on my motion, which was put forward before that of the representative of the United States.

6. Before leaving this rostrum I should like to refute certain arguments advanced by the representative of the United States in submitting his motion [1400th meeting]. The representative of the United States said that certain paragraphs in our draft resolution constituted recommendations regarding international peace and security. Yet nowhere in our draft do I find recommendations, in the generally accepted meaning of that term under the Charter, addressed to the Security Council. I do not think that the fact of drawing the Security Council's attention can constitute a recommendation concerning the maintenance of international peace and security within the meaning of Article 18 of the Charter. The draft resolution makes no recommendation to the Security Council, but merely draws the Council's attention to a situation. The sponsors of the draft resolution are well aware that it is for the Security Council to take measures in the matter of maintaining international peace and security. They therefore refrained from making recommendations.

7. Consequently, there has been an attempt, in the request that the draft resolution be adopted by a two-thirds majority, to exploit the rules of procedure of the General Assembly in an improper manner. Further, since the speakers who have made this proposal have claimed to have the law on their side, I do not think it right to take a given paragraph of a text out of context and present it in another context, in order to give it a legal significance other than that which it has in the context in which it has been presented.

8. The draft resolution which we have submitted concerns the problem of decolonization, that is to say of the right of peoples to self-determination, and the different parts of this draft must be understood and accepted in that context.

9. Returning to the question of procedure, I recall that my motion was submitted before that of the United States and consequently has priority. When I submitted the draft resolution I concluded with the following words:

"In regard to the voting procedure, I propose, on behalf of the sponsors, that the nineteen-Power draft resolution be adopted by simple majority, as was the case this morning in regard to the draft resolution on Oman [A/6168, para. 13]." [1400th meeting, para. 114.]

10. This is therefore certainly a procedural motion, as I just said, and was put forward before that of the United States. I therefore think that in conformity with practice and the rules of procedure, the General Assembly should first take a decision on my motion.

11. Mr. GOLDBERG (United States of America): Last Friday [1400th meeting], when I introduced the motion [A/L.478] which has just been discussed by the representative of Mali, I cheerfully acquiesced in a request by the representative of Ghana and the representative of Mali to defer action on that motion until today, so that this Assembly could consider this important question with all delegations present so that they could participate in the vote. If I had wanted to take advantage of a procedural technicality, I could have pressed for a vote at that time. I did not do so because I think it is highly important that all Members of this Assembly participate in what I consider to be a very basic question involving the integrity of the Charter to which we are all committed.

12. The representative of Mali has now raised a procedural question as to whether his resolution does not take priority over my motion. I regard this to be a matter of no substance. The essential question before this Assembly, whether it is posed by the draft resolution presented by the representative of Mali [A/L.476/Rev.1] or posed by the motion which I put, is essentially the same question. His motion requests formally, on behalf of the co-sponsors, that this draft resolution should be adopted by a simple majority.

13. The necessary effect of this motion is that the draft resolution does not involve questions of international peace and security and, therefore, does not involve an important question within the contemplation of paragraph 2 of Article 18 of the Charter. But, whichever way it is put, whether it is put in his terms or put in my terms, the question is the same. If the Members of the Assembly vote in support of the draft resolution put by the representative of Mali, they are giving an interpretation that the question posed in the draft resolution is not an important question within the contemplation of paragraph 2 of Article 18 of the Charter. That is the same question that I put, and so I will say quite plainly and quite simply that I will not take the time of this Assembly by worrying about manoeuvring as to which question has priority.

14. I am quite content that the draft resolution of Mali be voted upon first. It is the same question that I have put. I put my motion so that every Member of the Assembly would understand the significance and the implication of the action which the Assembly is taking, and I will merely repeat now what I said last Friday, that this is not for me or for my delegation a question of the substance of the resolution. The substance of the resolution can be voted upon. It can be carried or not carried, depending upon the views of the Assembly as to the substance of the draft resolution. What is now before us is something much more basic and much more important, and that is whether the Charter is to be lived by by Members of this Assembly, even though the Charter at some points may be inconvenient to live by.

15. I would remind the Members of this Assembly that the Charter is a solemn treaty obligation of Member Governments. I would remind the Members of this Assembly that the Charter can only be amended by a procedure, which was also agreed upon by all Member States, under Article 108 of the Charter. Article 108 states:

"Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional procedures by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council."

16. Let me say very simply that it is quite apparent from any reading of this draft resolution that it relates to questions affecting international peace and security. In fact, I am at a loss to understand the argument of the representative of Mali. On the contrary, pre-ambular paragraph 9 refers directly to international peace and security which, it states, is threatened by the continuance of colonial rule and the practice of apartheid. This is the language of Chapter VII of the Charter, on which mandatory action by the Security Council for the maintenance of international peace and security is based.

17. As I said on Friday [1400th meeting], and as I repeat today, we cannot have it both ways. One cannot, on the one hand, go to the Security Council and say that action is called for because international peace and security is threatened, and, on the other hand, say that Article 18 of the Charter does not apply to the General Assembly's consideration of the question.

18. Operative paragraph 12 of the draft resolution, which calls for the dismantling of military bases and also calls upon all States to refrain from establishing new ones in colonial territories, is without question a recommendation with respect to the maintenance of international peace and security. Military bases, as we all know as a matter of common sense, are intimately linked with the maintenance of peace and security, so much so that this Assembly, on 16 December [1398th meeting], sustained by a vote of 56 to 30 that paragraphs similar to the one in question were important questions and that their adoption required a two-thirds majority of those voting in the Assembly.

19. Operative paragraph 13 of the draft resolution [A/L.476/Rev.1]:

"Requests the Special Committee to apprise the Security Council of developments ... which may threaten international peace and security and to make suggestions which might assist the Council in considering appropriate measures under the Charter".

20. Still another paragraph in the draft resolution, operative paragraph 14, states:

"Requests the Secretary-General to take all necessary measures ... in order that world opinion may be sufficiently informed of the serious threat to peace posed by colonialism and apartheid ...".

21. In short, one preambular paragraph and three operative paragraphs, perhaps the most important paragraphs, of this draft resolution link the resolution directly with the maintenance of peace and security and contain recommendations concerning it. The Charter is very clear on this point. Paragraph 2 of Article 18 states:

"Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security ...".

22. It goes on to refer to other questions, and it leaves it to the Assembly to decide what other questions should be included in the category of important questions in paragraph 3 of Article 18.

23. I should like to emphasize my very strong convictions upon this point. This is a question of procedure, but a parliamentary body, like any State, lives by observing its procedures. Procedures are the life blood of the liberties of all of us. If the rules that protect each one of us are not followed—because today advantage may fall on one side, but tomorrow advantage may fall on another side—then the rights of any Member State are in jeopardy. This has been the long history of mankind, the very long history of mankind. Indeed, it has been said by many constitutional scholars—and I said it long before I came to this Assembly Hall in decisions that I wrote for our highest Court—that procedures are the basis upon which individual liberty and the right of the minority depend. That is the question that we face here today. As I said, it transcends the question of whether or not the draft resolution will be adopted because it involves the integrity of the Assembly. Does the Assembly observe the Charter? If the Assembly does not observe the Charter, then what safeguard is there for any nation in the Assembly? The Assembly has no right to change the Charter. The Assembly is obligated, just as is every organ of the United Nations, to obey the Charter and to comply with its provisions. One of the Charter provisions to which we all agreed was that important questions affecting international peace and security should be decided not by a simple majority vote but by a two-thirds majority vote. That was written because the intimate connexion was recognized between a recommendation on this subject and actions that would be taken, presumably of a very drastic nature, by the

Security Council under Chapters VII and VIII of the Charter.

24. Therefore, I am quite prepared not to insist upon my motion. This was not my purpose in offering it. My purpose in presenting the motion was to make it crystal-clear that the vote on the draft resolution should be based on a two-thirds majority. If the Assembly adopted the motion presented by the representative of Mali, that a simple majority is required in the vote on the draft resolution, then the Assembly would be saying that this question is not an important one affecting peace and security. I believe it is an important question affecting peace and security, because the draft resolution says so and because of the very nature of the problem behind the draft.

25. I want to remind the Assembly once again that if it votes in favour of the motion presented by the representative of Mali it will be stating that this question is not an important one under Article 18 of the Charter. I am quite content not to press my motion and to have the vote taken on the motion made by the representative of Mali, recognizing that in such a case an affirmative vote means that this is not an important question under Article 18 of the Charter.

26. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): Listening to the United States representative, we could not believe our ears at times for it seemed that it could not really be the United States representative who was so ardently defending the inviolability of the Charter's provisions from this rostrum. Could this really be the representative of the delegation which has often supported, and is now supporting in this Assembly decisions designed to bypass the Charter and, in particular, the authority of the Security Council?

27. We could not believe it was actually true that the representative of a State whose Government is committing unprecedented violations in many areas of the world and perpetrating aggression and interference in the internal affairs of other peoples, was now suddenly taking such an orthodox position and was trying to convince us that it was really the representatives of African and Asian countries, not the United States, who were undermining the Charter, and that only he, the United States representative, was speaking from this rostrum as the champion and defender of strict respect for the United Nations Charter.

28. Did the speaker himself really believe the story he told us just now?

29. That was our first observation—our first direct impression of the speech we have just heard from the United States representative.

30. Before turning to the legal analysis which the United States representative made of the document before us, may I state that for twenty years, since the establishment of the United Nations, the Soviet delegation has supported, and continues to support, the strictest respect for the spirit and the letter of the Charter, both inside the United Nations and elsewhere. I repeat: the strictest respect for the spirit and the letter of the Charter. Consequently, we need not now be concerned with pathetic cries

that the procedure proposed by the representative of Mali [A/L.476/Rev.1] undermines the very foundation of our Organization, but with a much more modest and crucial question: does the motion of the representative of Mali, which was proposed before the circulation of the formal document submitted by the United States delegation [A/L.478], constitute even the slightest contravention of the Charter, including the procedures set out in the Charter?

31. If we come to the conclusion that this motion is contrary to the Charter, then, regardless of any political sympathies or antagonisms, we must adopt an objective attitude based solely on the only possible interpretation of the Charter, that is, the correct one. Let us therefore examine the substance of the arguments which have just been put forward.

32. First, let us consider the title of the resolution before us. The resolution is headed "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples".

33. At a recent meeting of the General Assembly, we had the honour of proving from this rostrum that the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples is a fundamental obligation of the United Nations under the Charter.

34. Even if the Declaration, which was adopted five years ago, did not exist, the elimination of colonialism in all its forms would still be a fundamental obligation of the United Nations under the Charter.

35. But in addition to the provisions of the Charter, which are the basis for this United Nations obligation to eliminate colonialism and its consequences, we also have a historic document adopted by the General Assembly five years ago. That document is the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Declaration is wholly consistent with the Charter and, I might add, the United States itself did not vote against its adoption.

36. Thus we have, in addition to the important provisions of the Charter, a document which was adopted, on the basis of the Charter, by a two-thirds majority—the document whose implementation we are now discussing. I would point out that, although every question relating to the application of the Declaration is, in the broadest sense—from the standpoint of the Charter, from the legal standpoint and from the standpoint of the rules of procedure—an important question, any resolution adopted in the course of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which was adopted by a two-thirds majority, can be adopted by a simple majority. If the intention is not in fact deliberately to confuse us and create an awkward situation, because the provisions of this document are not to someone's liking, let those who do not like it vote against it, for it, or abstain. We do not accept advice from anyone as to what we should do during debates and in voting, and we do not intend to give such advice to others. I mention this now merely to show that an attempt is being made, under the guise of procedural motions and references to the rules of procedure and the Charter, to find some way of preventing the adoption by the General Assembly of a perfectly sound and

well-founded recommendation adopted by the Fourth Committee.

37. Let us now examine the specific provisions referred to by the United States representative. He spoke of the preamble, which contains a paragraph relating to the General Assembly's awareness "that the continuation of colonial rule and the practice of apartheid as well as all forms of racial discrimination threaten international peace and security and constitute a crime against humanity". This general judgement is based completely on the provisions of the Declaration and of our Charter. It cannot be regarded as a recommendation which the Assembly would adopt if it were considering this question as part of its endeavour to fulfil its obligations and make the recommendations authorized by the Charter on matters relating to the maintenance of international peace and security.

38. This draft cannot be considered in that context, and it is quite wrong to present this matter as a procedural or strictly legal question, by playing with the words "threat to international peace and security", which do in fact appear in this preambular paragraph. Any attempt to do so is quite unfounded.

39. We are told that operative paragraph 12 contains a request to dismantle the military bases installed in colonial territories and to refrain from establishing new ones. But if the United States and some other Powers feel that the presence of their military bases in colonial territories serves to further the maintenance of international peace and security, as the United States representative implied, that is no reason why we should all agree with that view. Nor is it a reason to regard operative paragraph 12 as a question requiring a two-thirds majority in the context in which it is now presented, namely, the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. One wonders what kind of independence can be acquired by colonial countries and peoples when foreign troops still remain on their territories. What kind of independence would that be? We therefore understand very well the request made in operative paragraph 12 of the draft resolution by countries of Asia and Africa, supported by some Latin American countries.

40. The United States representative also dislikes operative paragraph 13, and cites it in support of his claim that the procedure he proposes is correct. But what does operative paragraph 13 say? It does no more than request the Special Committee to apprise the Security Council of developments in any territory examined by it which may threaten international peace and security, and I draw attention to the words "which may threaten international peace and security". What is the Special Committee being asked to do in this paragraph? To examine these matters instead of the Security Council? To make recommendations on them instead of the Security Council? Or is it something else?

41. The paragraph goes on to state "and to make suggestions which might assist the Council in considering appropriate measures under the Charter".

42. And yet certain speakers still come to this rostrum and tell us, in support of their completely distorted interpretations of the rules of procedure

and of the Charter, that we have no right to adopt operative paragraph 13 by a simple majority under the provisions of the Charter. I think that there is no need for me to dwell further on this. It has been sufficiently proved that attempts to present the matter as the United States representative has just done are attempts to prevent the adoption of this resolution, its opponents presumably expecting that it will not gain a two-thirds majority, although I do not know what will happen in fact. But may I say, in conclusion, that a two-thirds majority was obtained five years ago, when this historical document, the Declaration on the Granting of Independence to Colonial Countries and Peoples, was adopted in all seriousness—even the United States did not vote against it at the time—and we do not intend to allow malicious jokes, the malicious irony of an incorrect interpretation of the rules of procedure and of the Charter, or the pathetic appeals which have been heard here, to prevent the General Assembly from expressing its will and taking decisions which will be worthy of this Organization, consonant with the Charter and based on the historic Declaration to which I have referred.

43. Mr. ACHKAR (Guinea) (translated from French): To speak after two eminent jurists like Mr. Goldberg and Mr. Morozov is a difficult, even hazardous task. Nevertheless, I too shall try to make my contribution to this discussion. For it is the conviction of our delegation that we are in possession of elements essential to the interpretation of the Charter and of our draft resolution [A/L.476/Rev.1] and that it would not be proper to take a decision so long as there is any confusion or misunderstanding. We must not here and now give pretexts to delegations that intend to abstain tomorrow when the vote is taken on the important problems of decolonization in the Security Council, by not clearly saying here and now what we think of this situation.

44. It is true that to speak in favour of the motion put forward by Mali is the same as to oppose the motion of the United States. I am therefore going to oppose the motion of the United States, so as to make it clear why my delegation supports the point of view of the delegation of Mali in regard to the draft resolution of which I am a co-sponsor.

45. First, we do not agree with the interpretation that the representative of the United States has given to certain paragraphs in our draft resolution. Questions requiring the two-thirds majority—and Mr. Goldberg was good enough just now to quote the Charter to us—are enumerated in Article 18 of that document, where mention is made of recommendations with respect to the maintenance of international peace and security. The sponsors find, and we hope that the Assembly will find too, that there are no recommendations in our draft resolution, which states in its preamble that "the continuation of colonial rule and the practice of apartheid as well as all forms of racial discrimination threaten international peace and security and constitute a crime against humanity". That is not a recommendation, that is a finding. When the Assembly has made that finding, and when the time comes to make recommendations, then perhaps the United States delegation may be able to submit its motion. For the moment, we believe that this motion

is premature and unjustifiable. If, in the operative part of our draft resolution, we had recommended that measures be taken now for this or that reason, if we had referred to any other provision whatsoever of the Charter calling for the application of coercive measures, then it would have been possible to speak about recommendations. But we claim that, for the moment, and this applies not only to the preamble, but also to the operative part, there are only findings and that we merely ask the Committee of Twenty-four to study the problems. Should the Committee of Twenty-four find that situations constituting a threat to international peace and security exist, we shall then ask it to make recommendations to the Security Council. So it is still not a question of recommendation. That is the first point I wished to clarify.

46. Secondly, I should like to say that there are many precedents. I think that these precedents should at present constitute jurisprudence in our discussions, for no one has so far considered that we have violated the Charter or even the rules of procedure. I should like to recall the most recent precedents.

47. At the eighteenth session, I personally had the honour of presiding over the Fourth Committee, which made a number of recommendations on colonial questions, and I should like to cite only two of those recommendations, one on Southern Rhodesia, a question which, if I may say so, is very much in the air at this moment, and the other on the question of South West Africa. In the first of these resolutions, namely resolution 1889 (XVIII), on the question of Southern Rhodesia, we read in paragraph 18 of the preamble, the following words:

"Mindful of the aggravation of the situation in Southern Rhodesia, which constitutes a threat to international peace and security."

48. The resolution was adopted by the General Assembly without any request having been made for adoption by a two-thirds majority. I shall not dwell on the question of Southern Rhodesia. We see that the finding I have quoted is becoming ever more justified. But the point that I want to emphasize is that, at the time, no delegation, including the United States delegation, had thought it necessary to call for a two-thirds majority for the adoption of the resolution. It is true that we did not have among us so eminent a jurist as Mr. Goldberg, but I believe that there were other reasons as well.

49. I should like also to recall resolution 1899 (XVIII) on the question of South West Africa. In the penultimate paragraph of the preamble, it is stated that the General Assembly is:

"Deeply concerned at the present critical situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security."

50. I could cite several other precedents like that, but I shall confine myself to recalling that, again recently, a draft resolution on the question of apartheid was adopted.

51. What would be the meaning at present of a General Assembly decision to the effect that the paragraphs in our draft resolution which allude to a

threat to international peace and security require a two-thirds majority? The meaning, in our opinion, would be that we were rejecting all previous decisions; in other words, that we were implicitly declaring all the precedents to be illegal. I do not believe that this is the intention of the United States delegation, because, if it were, the United States delegation would then be challenging today all the decisions taken by the Assembly over a long period, decisions in which the United States itself participated.

52. We therefore say that we differ profoundly, first on the interpretation of our draft resolution, then on the interpretation to be given to Article 18 of the Charter. We think it would be regrettable if the Assembly took its decision on the draft resolution in such a way as to give the impression that we did not regard colonial questions as important. The word "important" must be very clearly understood here. It is not a question of the definition given in the dictionary. It is a question of the definition given in the Charter. We say that the definition given there does not apply to draft resolutions of this nature. We do not say that questions of the maintenance of international peace and security are not important. They are. But we say also that our draft resolution, as it stands, and therefore the allusions to the question of maintenance of peace, are not yet recommendations and cannot be placed in the category of drafts concerning questions which are important in the sense of the Charter and that in consequence the Charter cannot be invoked. In the same way, we maintained that the question of restoring the lawful rights of China in the United Nations was not, under the terms of the Charter, an important question, whereas the United States has given a different interpretation, according to which that question is an important one.

53. We thus differ in our interpretations, but it would not be quite honest to say that because we differ in our interpretations we are violating the Charter. We do not think that if our draft resolution, as it stands and even if separate votes were to be requested, had a simple majority, that would be a violation of the Charter. We say that there are precedents to justify this way of proceeding; we say that the interpretation of Article 18 is there to justify it and we say also that the real content of our draft is there to justify it.

54. Consequently, my delegation has noted with interest that the United States delegation is not pressing its motion. A decision on the motion of Mali would obviously be equivalent to a decision on the United States motion and we ask the United States not to insist on having its interpretation accepted by the Assembly, an interpretation whereby the Assembly would here and now decide that questions of the maintenance of peace and security were not, in its opinion, important questions. We believe that the arguments put forward by the United States delegation do not apply to our draft resolution and we ask that this interpretation be reconsidered, or at least that the United States delegation should not try to lead the Assembly to take a decision on the basis of an appreciation which we consider to be erroneous.

55. We hope that the motion of Mali, and particularly the draft resolution, will be adopted by an overwhelming majority, for we all know that colonial

questions should not, these days, any longer be the subject of too lengthy discussions in our Assembly. I was under the impression that all delegations had pronounced themselves in favour of anti-colonialism, that they had proclaimed themselves anti-colonialists, and I do not believe that this is the moment to look for reasons or pretexts to avoid openly and honestly combating colonialism. If Portugal and South Africa, and perhaps the United Kingdom, because of the question of Southern Rhodesia, speak here in the contrary sense on such questions, we can understand that, even if we do not forgive it. But let not delegations which claim to be anti-colonialist come and create difficulties of procedure in order to justify their future opposition or abstention.

56, Mr. BHABHA (Pakistan): My delegation has found some errors in draft resolution A/L.476/Rev.1 as distributed to the Assembly this afternoon.

57. On Friday, the representative of Somalia submitted some amendments [A/L.477] to the draft resolution. The first amendment provided for the addition of a new preambular paragraph, reading as follows:

"Concerned about the policy of colonial Powers to circumvent the rights of colonial peoples through the promotion of the systematic influx of foreign immigrants and the dislocation, deportation and transfer of the indigenous inhabitants."

That amendment was unanimously adopted, and it is now incorporated in document A/L.476/Rev.1 as the sixth preambular paragraph. But, although the amendment submitted by the representative of Somalia was in English, I find that there is an error in the text of the sixth preambular paragraph as it appears in document A/L.476/Rev.1. In that document the paragraph reads as follows:

"Concerned about the policy of the colonial Powers, which are circumventing the rights of the colonial peoples by encouraging the systematic influx of foreign immigrants and by scattering, deporting and transferring the indigenous inhabitants."

Neither the word "encouraging" nor the word "scattering" appeared in the amendment proposed by the delegation of Somalia.

58. There is a similar error in the new operative paragraph 5. In document A/L.476/Rev.1, that paragraph reads as follows:

"Calls upon the colonial Powers to put an end to their policy, which violates the rights of colonial peoples through the systematic influx of foreign immigrants and through the scattering, deportation and transfer of the indigenous inhabitants."

59. In the amendment, contained in document A/L.477, which was unanimously adopted by the Assembly, the new operative paragraph 5 reads as follows:

"Calls upon the colonial Powers to discontinue their policy of violating the rights of colonial peoples through the systematic influx of foreign immigrants and the dislocation, deportation and transfer of the indigenous inhabitants."

60. Before asking to make this statement, my delegation brought this matter to the attention of the

Secretariat officials concerned, and a corrigendum has now been issued [A/L.476/Rev.1/Corr.1] containing the correct texts of the amendments adopted by this Assembly on Friday.

61. I would ask that the appropriate corrections should also be made in the texts of the draft resolution in other languages.

62. The PRESIDENT (translated from French): The English text of document A/L.476/Rev.1 does indeed contain an error. The corrected text appears as document A/L.476/Rev.1/Corr.1.

63. Mr. BOZOVIC (Yugoslavia): In his interventions on Friday [1400th meeting] and today, the United States representative has stated that it is not within the competence of the General Assembly to decide that a draft resolution dealing with peace and security is not an important question. I suppose that he meant to say that it is not within the competence of the General Assembly to decide that a question enumerated in paragraph 2 of Article 18 of the Charter is not an important question.

64. In that connexion I should like to pay a tribute to the French language, which in this matter is more precise than English. In the French text, paragraph 2 of Article 18 reads as follows:

"Les décisions de l'Assemblée Générale sur les questions importantes sont prises à la majorité des deux tiers des membres présents et votants. Sont considérées comme questions importantes: ..."

65. The English text states that "These questions shall include: ...", whereas the French text states: "Sont considérées comme questions importantes: ..." ("Considered as important questions are: ...") The French text is thus more precise, and it is certainly as valid as the English text. "Sont considérées comme questions importantes" means that the Assembly has decided the matter and that no changes can be made unless the Charter is revised.

66. If the United States representative meant to say that the Assembly does not have the right to eliminate one of the questions listed in paragraph 2 of Article 18 of the Charter without a revision of the Charter, then I completely agree with him. But if we agree that the Assembly cannot, without a revision of the Charter, eliminate one of the questions enumerated in Article 18, paragraph 2, and decide that it is not an important question, we should also agree that the Assembly cannot, without a revision of the Charter, add to the questions enumerated in Article 18, paragraph 2 of the Charter—that is, decide that another question is to be regarded as an important question under that Article.

67. That is precisely what those who wrote the Charter for us had in mind when they drafted paragraph 3 of Article 18. Under that paragraph, if the Assembly does not wish to revise the Charter and change the enumeration in paragraph 2, all that it can do is decide what decisions shall be made by a two-thirds majority and what decisions shall be made by a simple majority.

68. It follows that a decision by the Assembly that a question should be subject to the two-thirds majority

rule or a decision that a question should be subject to the simple majority rule has nothing whatever to do with the Assembly's stand on the importance of that question. It does not mean and, in our opinion, it cannot mean, that a decision to apply a simple majority or a decision to apply a two-thirds majority indicates that the Assembly considers a question important or does not consider a question important. The important questions are enumerated in the Charter, and all that the Assembly does is decide which majority should be used in adopting decisions on the other questions.

69. All of the matters we discuss here deal in one way or another with the main purposes and aims of the Charter, one of which is the maintenance of peace and security. All the items we discuss are very closely connected with our efforts to achieve the aims set out in the Charter. Even in the declaration on Non-Self-Governing Territories in Chapter XI of the Charter we find the words "international peace and security". Of course, it is in relation to international peace and security, in order to further international peace and security, that the colonial Powers must take measures to bring about the independence of colonial peoples as soon as possible.

70. The recommendations to the colonial Powers to adjust their policies to the changing world and to respect the aspirations of the peoples in the Non-Self-Governing Territories should, if the interpretation of some delegations is correct, be included in the enumeration in paragraph 2 of Article 18 of the Charter. But they were not included by the drafters of the Charter.

71. We have had proposals to vote on some of those resolutions by a two-thirds majority, always with a specific aim in mind—as in this case, where some of the paragraphs to which objection is taken are those dealing with the request addressed to the colonial Powers to eliminate military bases because their existence makes it more difficult for the colonial peoples to achieve independence. However, this is not a recommendation for a concrete action to be undertaken by an organ of the United Nations with respect to peace and security, and only such recommendations fall within those enumerated in Article 18, paragraph 2.

72. In his intervention, the representative of the United States stated that the ninth preambular paragraph finds that colonial rule and the practice of apartheid threatened international peace and security, and he said that that is a specific finding designed to invoke Chapter VII of the Charter. As it stands, however, it is no more than a finding; it is not a concrete recommendation.

73. On the basis of such an interpretation of the Charter, the delegation of Yugoslavia, in this case as in all other cases in the last twenty years, is going to stick to the procedure provided by the Charter and is going to vote that this resolution, like all other resolutions dealing with Non-Self-Governing Territories, be decided by a simple majority vote. We do not deny, of course, that this is certainly a matter which deals with international peace and security. But the resolution does not contain concrete recommendations to competent organs of the United Nations in that sense.

74. Mr. COLLIER (Sierra Leone): My delegation will vote, when the time comes, for the motion presented by the representative of Mali: that this matter requires a simple majority and is not an important question within the meaning of the wording contained in the Charter. We do not agree with the representative of the United States and certainly will not support his proposal. The representative of the United States has drawn our attention to paragraph 2 of Article 18 of the Charter, where there is reference to "decisions of the General Assembly on important questions". As has already been said here this afternoon, that paragraph goes on to enumerate the cases in which this Article will apply.

75. In making his point, the representative of the United States referred specifically to the preambular paragraph which reads:

"Fully aware that the continuation of colonial rule and the practice of apartheid as well as all forms of racial discrimination threaten international peace and security and constitute a crime against humanity".

My delegation does not believe that this is a recommendation. In fact, this invites the Assembly to accept what has already been accepted before; it says that the Assembly is "fully aware" of this situation.

76. As recently as Saturday, in this Assembly [1403rd meeting], resolution 2079 (XX) on Tibet was adopted, which, we were told, required only a simple majority because it touched the question of human rights. The reference in the resolution now before us is a reference touching human rights: it relates to racial discrimination, wherever it may be found. This is certainly not a situation, as the representative of the United States would have us believe, touching international peace and security as such, as referred to in paragraph 2 of Article 18 of the Charter.

77. I do not see how some of the very delegations which spoke so convincingly, so persuasively, about the resolution on Tibet and agreed that it should be voted by a simple majority, can come here now on a similar matter and expect us to regard it as "important".

78. The representative of Guinea has rightly stated that, when a reference is made in the Charter to an "important" question, that is a word of art, with a specific connotation—not the ordinary, usual dictionary meaning of the word. We can regard a matter as "important" only, if it falls within the precise definition and the ambit of paragraph 2 of Article 18.

79. There are other parts of this resolution to which objection has been raised: operative paragraphs 12 and 13. My delegation considers that what is contained in operative paragraph 12 is, of course, a matter of non-intervention—but what is much more important is that it is a matter of decolonization, a matter on which this Assembly has pronounced itself, and it is certainly not a matter of a possible breach of international peace in the usual sense. It is a question of decolonization, and it is not a recommendation to the Security Council; it is an admonition to those people who would still persist in colonialism to desist from that practice.

80. Operative paragraph 13 is a request to the Special Committee to take certain action in the future. There, again, this matter is a matter of decolonization, which the Special Committee has a mandate from the Assembly to keep under surveillance at all times. We therefore do not think that this is a matter which ought to require a two-thirds majority; we think it is a matter requiring a simple majority. As I said earlier on, we were persuaded in a similar case only on Saturday, and indeed we voted here on the question of Tibet by a simple majority. We do not see how a double standard can arise in this case. Therefore, my delegation will vote against the proposal of the United States. Indeed, we hope that perhaps the United States delegation may be persuaded to withdraw that proposal.

81. Mr. GOLDBERG (United States of America): I have listened with careful attention to the debate on this question, which has been a constructive debate, dealing seriously with the grave problem we have before us. I should like to make but a very few observations in connexion with it.

82. With reference to the comments made by the representative of the Soviet Union, Mr. Morozov, I should merely like to say that our dedication to the Charter is second to none. We believe in it. We have not by-passed it in the past. We continue to believe in it, and we shall not by-pass it in the future.

83. I do not understand the USSR representative's argument that, since the Assembly adopted by a two-thirds majority a Declaration on the Granting of Independence to Colonial Countries and Peoples, any draft resolution designed to implement that Declaration may be adopted by a simple majority. It seems to me that the rule is obviously the contrary and that that cannot be maintained as a serious proposition, for it would open the way for any type of declaration with reference to that subject to be adopted in entire disregard of the principles of the Charter.

84. In final reference to his remarks, I would merely correct what was obviously just a simple mistake. We are not attempting to undo a decision of the Fourth Committee. This draft resolution [A/L.476/Rev.1 and Corr.1] was never before the Fourth Committee. It has been presented here in plenary meeting.

85. I have also listened with very close attention to the statement made by the representative of Guinea, Mr. Marof Achkar. I should like to point out something which I think is very significant about the facts presented by him. He referred to three resolutions which he said had been adopted, and which indeed were adopted, by the Assembly: the resolution on Southern Rhodesia, the resolution on South West Africa and the resolution on apartheid. However, I would point out that the resolution on Southern Rhodesia [1889 (XVIII)] was adopted by a vote of 73 to 2, with 19 abstentions, more than a two-thirds vote by far; the resolution on South West Africa [1899 (XVIII)] 84 to 6, with 17 abstentions, more than a two-thirds vote by far; the recent resolution on apartheid [2054 (XX)] 80 to 2, with 16 abstentions, far more than a two-thirds vote. In those cases no one argued before the vote that only a simple majority was required, and after the vote any such motion would

have been pointless in the light of the fact that there was more than a two-thirds vote for each resolution.

86. Indeed there are other precedents in this Assembly which even more strictly bear upon this problem than those. On 30 January 1962, operative paragraph 7 of the draft resolution dealing with Angola, which was subsequently adopted in modified form, eliminating paragraph 7, as resolution 1742 (XVI), failed of adoption because it did not obtain a two-thirds majority. That paragraph merely read:

"Requests the Special Committee of seventeen members established under its resolution 1654 (XVI) to give its most urgent consideration to the question of Angola with a view to speedy achievement of independence by the people of Angola."^{1/}

87. The statement has been made here that the references to international peace and security really do not constitute part of this draft resolution in a meaningful sense and that they deal only with findings. Surely that cannot be the view of the proponents. The ninth preambular paragraph of the draft resolution reads:

"Fully aware that the continuation of colonial rule and the practice of apartheid as well as all forms of racial discrimination threaten international peace and security and constitute a crime against humanity".

On the basis of that preambular paragraph, what does the draft resolution do? It makes a traditional General Assembly recommendation. I read from operative paragraph 5: "Calls upon the colonial Powers to put an end to their policy." What policy is referred to? The policy of the continuation of colonial rule and the practice of apartheid, as well as all forms of racial discrimination, which the draft resolution indeed condemns.

88. The statement was made by the representative of Sierra Leone that this Assembly passed a motion relating to Tibet by a majority vote. Indeed that is correct. That resolution, however, a human rights resolution, is barren of any reference to the question of international peace and security. Surely it is plain and obvious to all that, while this Assembly deals with questions involving international peace and security, not every grave abuse we deal with, not every violation of rights we deal with, menaces peace and security in the sense of the Charter provisions.

89. Finally, I must say, with all respect, that the declaration of the representative of Yugoslavia misses the entire import of Article 18 of the Charter. Article 18 of the Charter, in paragraph 2, defines the questions which shall be decided by a two-thirds majority. It says that these questions shall include: "recommendations with respect to the maintenance of international peace and security". Indeed, the "request" clauses of this draft resolution—and I could have read them all—including the ones that are basic, are obviously of such a character.

90. Decisions on other questions which the Assembly may denominate as important questions, other than

those listed in paragraph 2 of Article 18, may indeed be made by a majority of the Members. But surely no one could contend, for example, that the election of the non-permanent members of the Security Council could be decided by a simple majority simply because this Assembly decides by a majority vote that it should so be done.

91. I would repeat, very simply, that we have here a fundamental question. It seems to me that it is plain under the past precedents, including the ruling of this Assembly just a few days ago, that this is an important question under the Charter. Fidelity to the Charter requires that we adhere to it. Otherwise our action is of no validity. Surely we are here to make recommendations that are valid and not to make recommendations that can be carried by a majority vote that fly in the face of the Charter.

92. Mr. COULIBALY (Mali) (translated from French): In his first statement the representative of the United States tried to create the impression that the delegation of Mali, in submitting its procedural motion last Friday [1400th meeting] had wished to violate the Charter of the United Nations.

93. I am convinced that the delegations here present which heard the representative of the United States will take a different view of the consistent attitude of the delegation of Mali in regard particularly to the defence of the provisions of the Charter. If there is a delegation which is violating the Charter of the United Nations, it is certainly not that of Mali; the annals of the General Assembly and of the Security Council are highly instructive in that respect and show which are the Powers here that constantly violate the Charter of the United Nations.

94. On the contrary, the delegation of Mali, in putting forward its procedural motion, wanted to prevent a violation of the Charter of the United Nations. What did we ask? We asked that the draft resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples be adopted by a simple majority. In so doing we are fully conforming with the Charter of the United Nations, including particularly Article 18, to which the representative of the United States has referred. In Article 18 there is no question of problems of decolonization. Paragraph 2 of that Article is worded as follows:

"Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 c of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions."

95. I do not see anything here about problems of decolonization. Yet, at the time the Charter was

^{1/} Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 27, document A/L.384/Rev.1 and Rev.1/Add.1

being worked out, problems of decolonization did exist. The Charter even contains a chapter devoted to Non-Self-Governing Territories. But in Article 18 there is no mention of decolonization problems as being important questions. The same Article, however, continues by stipulating that:

"Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the Members present and voting."

To the best of my knowledge, the General Assembly has not defined any new category of questions to be decided by a two-thirds majority that includes problems of decolonization.

96. We put forward our proposal on Friday evening because, on Friday morning, there had been tendencies here, manoeuvres, designed to lead the Assembly astray and to manipulate the rules of procedure and the Charter in such a way as to impose a two-thirds majority for all questions relating to decolonization. An attempt has been made to give an improper interpretation to Article 18 by saying that decolonization problems are important questions within the meaning of the Article. We say that decolonization problems are important. I shall go even further: all the questions we discuss in the United Nations are important questions; if they were not important, we would not have to take decisions on them. But among the important questions which we discuss here, the United Nations has picked out a certain number which requires decision by a two-thirds majority. It is because the question we are at present discussing does not appear in the series of important questions enumerated by the Charter that we have tried to stop the manoeuvres of people who want to mislead the Assembly so as to put an obstacle in the way of decolonization.

97. The representative of the United States said that our draft resolution contained recommendations relating to the maintenance of international peace and security within the meaning of Article 18 of the Charter. I do not think that is true. Nowhere in our draft resolution do I see any recommendation within the meaning of that Article. One of the passages cited by the representative of the United States is the paragraph of the preamble which reads:

"Fully aware that the continuation of colonial rule and the practice of apartheid as well as all forms of racial discrimination threatens international peace and security and constitutes a crime against humanity".

98. Does that passage constitute a recommendation about the measures the General Assembly or the Security Council should take in order to preserve international peace and security? I do not think so. It is a mere finding. We are aware, and no one here can deny it, that the continuation of colonial rule and apartheid threatens international peace and security. Nor can anyone deny that these two practices constitute a crime against humanity. Can the fact of noting that which exists be considered as a recommendation to the Security Council or to the General Assembly concerning practical measures be taken for the maintenance of international peace and security? I say it cannot.

99. Then there is paragraph 12 of the draft resolution, where we say:

"Requests the colonial Powers to dismantle the military bases installed in colonial territories and to refrain from establishing new ones".

Is that a recommendation covering practical measures to be taken for the maintenance of international peace and security within the meaning of the Charter? I do not think so. I know, of course, that there are Powers represented here which want to maintain military bases outside their national territory. But we think that in the context of such a draft resolution it is a matter of protecting the right of people to self-determination and independence and of protecting their sovereignty. Military bases have been set up in colonial territories without consulting the peoples. The peoples have not given their assent to the establishment of military bases on their territory because those military bases are used precisely to infringe their freedom and their most elementary rights. When we, in a draft resolution, ask that these military bases be dismantled, it is a question of protecting the rights of these peoples, their right to self-determination and their sovereignty. Once again, this paragraph cannot be regarded as a recommendation concerning measures to be taken for the maintenance of peace and security within the meaning of Article 18 of the Charter.

100. For all these reasons, and in order to block all the manoeuvres attempted here since the beginning of last week for the purpose of stopping the decolonization process, we have asked the General Assembly to take a decision on the draft resolution by simple majority. But it has never been our intention to say that the problems of decolonization are not important questions. These questions are very important, since we are dealing with them. But we do say that these questions are not included in the categories of questions which, under Article 18 of the Charter, require to be decided by a two-thirds majority. The problems of decolonization are important; but they are not enumerated in Article 18 among the categories of questions requiring a decision by two-thirds majority. This is what we wanted to demonstrate; this is what we wanted the General Assembly to comply with when we put forward our procedural motion.

101. Mr. ESFANDIARY (Iran): Operative paragraph 12 of the draft resolution [A/L.476/Rev.1 and Corr.1] which calls upon the administering Powers to dismantle military bases, goes beyond colonial questions, in our view. It involves questions which might have implications with respect to maintenance of international peace and security. Therefore, in our opinion, Article 18, paragraph 2, should apply to operative paragraph 12 of the draft resolution.

102. It goes without saying that, in our view, the draft resolution as a whole, however important, deals with colonial questions and, in conformity with the paragraph and with precedents established by the General Assembly, it should be adopted by a simple majority.

103. I should like to state also that with regard to the substance of the draft resolution, my delegation will, for the reasons we have already given, abstain

on operative paragraph 12 and support the draft resolution as a whole.

104. Mr. LOPEZ VILLAMIL (Honduras) (translated from Spanish): There has been a succession of speakers this afternoon as the twentieth session of the General Assembly draws to a close. It has been, on the whole, a most fruitful session, since a number of problems of great significance for the Organization have been solved. However, at the eleventh hour a matter is being brought up which introduces an element of confusion and which clearly has a distinct bearing on the good name of the United Nations in world public opinion.

105. The draft resolution we have before us [A/L.476/Rev.1] deals in fact with a matter closely bound up with the very interpretation of the United Nations Charter; and in the light of all the arguments we have heard this afternoon, it seems to us that if the United Nations is going to adopt this policy, disavowing the actual text of the Charter, with each Member interpreting it according to its own taste and fancy, the time will come when we shall see the devil here on the rostrum reading the Bible to us.

106. These petty discussions are jeopardizing the prestige of the United Nations in every part of the world. A whole series of arguments have been adduced, but one in particular went so far as to assert that the authors of the Charter were not, and did not represent, the majority of States now making up the United Nations.

107. This is a weak argument, for the Charter was made to embody a series of universal principles, without taking into account the fact that this or that region of the world, by virtue of a peculiar political circumstance of the moment, might impose certain conditions on the other regions purely and simply by invoking specific aspects of modern emancipation. It is a poor argument also because the authors of the Charter are here present—in particular the Soviet Union—and no one so far as we know, has challenged this thesis that is now being interpreted in the face of all logical, grammatical or juridical sense.

108. If we are really going to make the United Nations an institution that is looked up to by all States and not simply by one group of States, if we want the world to be a place where there is understanding and mutual assistance, there must be no cavalier treatment of the text of the Charter, which is as clear as daylight. Moreover, in this very Assembly, there are precedents that you, Mr. President, have been called upon to apply; the Assembly was quite explicit in this matter.

109. The Article that is being subjected to distortion this afternoon is Article 18, in which mention is made of the decisions of the General Assembly on important questions. It states that "these questions shall include: recommendations with respect to the maintenance of international peace and security", etc.

110. We are told that the draft resolution in question does not refer to that matter; that the draft before us, very carefully worded and submitted now at the last minute, deals merely with an anti-colonial issue, and is therefore not of great importance. My delegation

has, of course, supported and maintained an unchanging attitude of respect for all these principles throughout the entire period of growth and development of the United Nations. We have vindicated anti-colonialism in the Fourth Committee, and our stand, along with that of the other Latin American countries that believe in these principles, has been made clear at numerous meetings. But we do not believe that now, under the banner of anti-colonialism, is the time for dragging in the Trojan Horse of cold war and propaganda on the pretext of defending principles that are nothing more than a cloak for imposing certain policies on particular regions.

111. Anti-colonialism is a noble banner which we all respect; its basis is respect for the independence of States. But nothing in the Charter of the United Nations is opposed to interdependence, to foreign trade, to the signing of international treaties, since States have not up to the present lost their right to contract or even to crystallize defence arrangements among themselves, whatever their nature, whether economic, social, political, or any other.

112. Many States in Eastern Europe, in Western Europe, in Asia and in Africa, have treaties which neither the Charter nor the resolutions of the General Assembly can get rid of by the simple expedient of a number of votes mustered by agreement to dictate a given policy.

113. If all States are concerned with preserving the respect due to the resolutions of the General Assembly and the Charter, it is essential that this respect should be based on the text of the Charter.

114. The arguments adduced to prove that Article 18 does not say what it really does say are altogether specious. If any court of law, or even the International Court of Justice at The Hague, an actual organ of the United Nations, were asked for an interpretation of Article 18 and of the resolution before us, no one would be in any doubt that questions of maintenance of peace are involved. For example, operative paragraphs 12 and 13, which seem to be the main bone of contention, and which are perhaps more basic to this draft resolution than the question of anti-colonialism, request the colonial Powers to dismantle the military bases installed in colonial territories and to refrain from establishing new ones. They also request the Special Committee to apprise the Security Council of developments in any Territory examined by it which may threaten international peace and security and to make suggestions which might assist the Council in considering appropriate measures under the Charter.

115. I should like to ask what is meant by dismantling bases. Is this not a question of disarmament? Is it not an act of peace-keeping? Or is it merely a game? Is it not a question of importance?

116. I do not think we should blind ourselves, nor be confused as to whether we are trying to blind others and mislead public opinion. My delegation has supported self-determination of peoples and all the various resolutions on human rights and the elimination of colonialism. But in this draft resolution, deliberate political issues are introduced which are far removed from the noble purposes of anti-

colonialism — genuine anti-colonialism, based on an awareness of that complete independence which States seek in their international relations, and partaking of the historic destiny to which every State aspires, both for itself and for its neighbours. As far as my delegation is concerned, this draft resolution has to do with an important question and requires the majority stipulated by the Charter, not the majority referred to by those representatives who have taken a particular stand at variance with what is laid down in the Charter.

117. The position of my delegation in regard to the vote is thus very clear; we reject completely the wording of paragraphs 12 and 13, which would appear to be the nucleus of the draft resolution.

118. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): It is with great misgiving that we make a second statement from this rostrum: not because our position has changed, but because we were torn between the desire to be polite and considerate to the United States representative, who asked us to explain the logic of our position, and certain understandable considerations, since the lateness of our meeting discourages us from claiming the Assembly's attention a second time. But we could not resist the temptation to explain our position once again to the United States representative, especially as he asked us to do so, or I should say, almost asked us to do so.

119. Unfortunately, I do not have the Russian text of the Declaration on the Granting of Independence to Colonial Countries and Peoples. I shall therefore have to use the English texts of the Declaration and the resolution before us, to prove the argument I put forward earlier that the Declaration—which was adopted five years ago by 89 votes to none, with 9 abstentions, including the United States, which therefore did not vote against the Declaration—justifies us today, in implementation of that Declaration, in adopting the draft resolution recommended to us by a simple majority. For this purpose, allow me to revert to the three points which the United States representative put forward to justify his argument.

120. I should like to read one of the preambular paragraphs of resolution 1514 (XV) which was adopted five years ago.

[The speaker continued in English.]

"Aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedoms of such peoples, which constitute a serious threat to world peace".

[The speaker continued in Russian.]

121. That is a paragraph which received 89 votes. So when today it is proposed that the preamble, which has been subject to such fierce criticism, should include the words "fully aware" instead of the word "aware", and the words "threaten international peace and security" instead of the words "a serious threat to world peace", I should like to ask: can it still be seriously doubted that we have already adopted by a two-thirds majority, five years ago, a paragraph which today reappears in the preamble to this draft resolution and which it is proposed should be adopted by a simple majority? Or are we being asked to reach

a position in which, although the preambular paragraph which I have just quoted was adopted by a two-thirds majority five years ago, a similar text in the present draft resolution, which we regard as an implementation of the Declaration, might be rejected, possibly by a separate vote or some other manoeuvres? In that case it would be interesting to consider what position the General Assembly would find itself in if it followed the advice of the United States representative, who has just been supported by the representative of Honduras with an ardour worthy of a better cause.

122. This is not a meeting which must follow the artificial and politically inspired procedures which some are trying to impose on us here. We are a world body accustomed to respect the United Nations Charter and the decisions which have already been taken. Therefore, when we are told that, having adopted the Declaration five years ago, we have no right today to adopt this paragraph which, I would say, is even less strongly worded than the Declaration but has the same political significance, I should like to ask why we are treated with so little respect and considered to be incapable of making the necessary legal analysis. I refer precisely to that legal analysis which must be so dear to the heart of the United States representative, as other speakers have already pointed out here. From the legal point of view, we have the right, under the rules of procedure and the Charter, to adopt this provision of our resolution by a simple majority, since we are not going to apply the two-thirds majority rule *ad infinitum* to the same provisions relating to the same question, when we are dealing with the implementation of a political decision of principle already taken on a most important question—not merely an important question, but a most important one—such as the elimination of colonialism. That decision was the adoption, five years ago, of the Declaration.

123. Another provision of the Declaration adopted at the fifteenth session, contained in operative paragraph 4, reads as follows:

[The speaker continued in English.]

"All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected".

[The speaker continued in Russian.]

124. But now we are told that the contents of operative paragraph 12 of this resolution supposedly do not flow from the Declaration, are not based on the Declaration, and cannot be regarded as a measure to implement a political decision already taken by 89 votes in the Assembly, without, I repeat again, a single vote against. Of course, we cannot allow such antics, and we cannot leave this rostrum without reaffirming our position and pressing for a vote on the proposal of the representative of Mali. In conclusion, we must say that we do not follow any political sympathies or trends such as those referred to today and, indeed, on other occasions, from this rostrum, but adhere strictly to the provisions of the Charter of our Organization, the rules of procedure and the

decision previously taken by the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

125. Mr. ACHKAR (Guinea) (translated from French): I regret having to come back to this rostrum. I shall be extremely brief. If I have asked to speak again, it is because just now the representative of the United States interpreted my examples in a sense which I did not wish to give them. He recalled precedents, that is to say, resolutions adopted previously, and he was good enough to point out that those resolutions had been adopted by an overwhelming majority and that it would have been absurd at that time to speak of a two-thirds majority. I entirely agree.

126. I have never said that those resolutions were not adopted by a majority well in excess of two thirds. What I did say was that when those resolutions were adopted there had been no previous question of the kind just raised by the representative of the United States.

127. I do not doubt that the draft resolution at present before us will be adopted by a substantial majority, which will probably be in excess of two thirds, unless the anti-colonialist majority of the Assembly, for some strange reasons which we do not know, has changed its mind. But if that majority is the same, I do not doubt that it will adopt the draft resolution before us by a majority larger than two thirds.

128. But what we are discussing is the prior question that has been raised. Before we take a decision on the draft resolution we must recognize that it cannot be adopted by a two-thirds majority; we refute the arguments adduced for the two-thirds majority. Consequently, if certain resolutions have been adopted by a majority well in excess of two thirds, that does not justify the attempt to invoke now a preliminary condition which was not invoked at the start.

129. Among all the examples I gave, there is one which could be extremely useful to us, namely, the resolution adopted at the eighteenth session of the General Assembly on the very question we are discussing at the moment. I refer to resolution 1956 (XVIII) concerning the situation in regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. When that resolution was adopted the delegation of the United States raised in advance the question of the two-thirds rule; no other delegation did so. Paragraph 6 of that resolution reads:

"Invites the Special Committee to apprise the Security Council of any developments in any territory examined by it which may threaten international peace and security".

130. This passage recurs in our present draft resolution and it seems to me that the representatives of the United States and Honduras are against it. This is tantamount to rejecting a decision already adopted at the eighteenth session, not to speak of decisions of the same kind which have been previously adopted. If that is so, it is not we who will need the two-thirds majority, but the representative of the United States, in order to have the General Assembly reconsider a decision it has already taken.

131. I would like to clarify what I said just now: namely, that in our draft resolution there are no recommendations under the terms of Chapters VI and VII of the Charter, which deal with the question of maintaining international peace and security. Since that is the framework in which the representative of the United States wants to place his motion for application of the two-thirds rule, he should have looked in our draft resolution for a recommendation based on either Chapter VI or Chapter VII. The recommendation which derives from our finding is that the territories should be liberated. That recommendation emanates from resolution 1514 (XV), not from Chapters VI or VII.

132. Let those who have spoken of cold war—I do not refer to my colleague from Honduras—therefore cease to do so, because to do so is to introduce the cold war into this debate, which we are trying to keep exclusively to the question of the liberation of dependent peoples. It is far from our intention to introduce into this discussion any notion of cold war whatsoever, for that would make matters far too easy for the colonial Powers, who have too long been hiding behind considerations of that nature to justify their blind and obtuse policies.

133. When the representative of Honduras speaks of international treaties, I do not think he is referring to the paragraph in which we ask that the colonial Powers dismantle the military bases installed on colonial territories and refrain from establishing new ones, because there can be no international agreements between colonial Powers and colonies. On the one side there is a sovereign entity, the colonial Power; on the other side, nothing. All military bases installed in colonies have been established as part of a "package deal". The colonial Power declares that it is withdrawing and asks that it be given this or that in return. The territories thus allegedly liberated, of course, inherit these military bases and become independent; that is obvious. But the military bases remain and then constitute either a source of repression for certain régimes, or a source of revenue. But we are saying that as long as the territories are colonies, military bases should not be kept on them. It is therefore not a question of international agreements.

134. I should like to urge the delegation of the United States, and certain other delegations supporting it, not to put too much emphasis on this aspect of the question we are discussing, an aspect which they claim to be juridical and which, in my opinion, is highly political; for by insisting, I am afraid that the representatives to whom I refer seriously risk appearing as militant advocates of colonialism. There are such among us and they are very wisely remaining silent. I hope this appeal will be heard. In any case, if we proceed to the vote, I greatly hope, indeed I am almost certain, that not only will the motion of the representative of Mali be adopted by a majority well in excess of two thirds, but that the draft resolution itself will be adopted by an overwhelming majority, well in excess of two thirds, because the pro-colonialists among us number less than one third. In any case, that is what we thought until now and I do not believe that the present events have brought about a change in the situation. Quite the contrary, when we see what

is happening in the world today, we can expect the anti-colonialist forces to be more numerous, because we know that colonialism operates against international peace and security and against the United Nations.

135. Mr. MARRACHE (Syria) (translated from French): My delegation would like to speak in the debate in favour of the interpretation of the Charter according to which the two-thirds rule is not applicable to colonial problems. The pertinent juridical reasons in support of this interpretation have already been expressed by a number of delegations. My delegation would like to add the following observations to what has already been said.

136. First, Article 18, around which the debate is revolving, constitutes a stipulation, a rule laying down an exception, a rule not of the common order, not the general rule. In all democratic assemblies the general rule is that of the simple majority. It applies to all cases, without exception. In the case of a law laying down an exception, that law must be interpreted in a restrictive manner and any enumeration contained in a rule of exception must be limitative. New categories cannot be incorporated in the law laying down the exception. We have a very clear proof of this in democratic practice itself, which is, in general, to take decisions by simple majority. This flows equally from paragraph 3 of the same Article 18, which states that decisions on all other questions shall be taken by simple majority. It is not a matter of enumeration or limitation; it is a matter of all other questions.

137. Since colonial problems are of a different nature from problems falling within the framework of "recommendations with respect to the maintenance of international peace and security", it is clear and obvious that a colonial problem cannot be included among such recommendations.

138. This could be demonstrated in several ways, several arguments could be invoked, but I shall be content to say that the peace and war implied in that phrase presuppose at least two belligerents, whereas, in the colonial problem, there is only one party, the colonizer. It could not be said, for example, that Mozambique has declared war on Portugal, or that Angola has signed peace with Portugal. Liberation of those territories would have to come first. After that, a peace treaty could be signed or war could be declared and only then could peace or war be regarded as such by the two countries concerned.

139. I mention this in order to show the very special character of the colonial problem, where the independence of the colonized country has not been recognized and where that country consequently cannot be considered in law as a belligerent. We speak of a "liberation struggle" or of a "revolution" but in law we can speak of international war only between two belligerents. It is the latter that Article 18 covers.

140. In the case of a rule of exception, the precedents themselves must be interpreted restrictively. This means that if, at a given moment, the General Assembly has decided to adopt a resolution on a particular subject by two-thirds majority, that decision applies only to the said subject, in the year in which

that decision is taken, at a particular session. The application of a law or stipulation of exception cannot be broadly interpreted.

141. Lastly, the two-thirds majority, or the three-quarters majority sometimes—for we know that under certain constitutions a three-quarters majority is required in order to amend or change the constitution—or, indeed, any majority other than a simple majority, is required precisely in order to protect the legal status quo, the constitutional status quo, the existing state of affairs; its purpose is to prevent change. That is quite obvious.

142. Resolution 1514 (XV) imposes on us the duty of promoting decolonization. The Charter itself, in Article 73, paragraph 1, imposes on us the obligation of promoting the process of decolonization and of putting no obstacle in its way. But to require a two-thirds majority for the adoption of draft resolutions on colonial matters multiplies obstacles, holds back the development towards liberation, hampers a speedy process of decolonization. The two-thirds majority protects the existing status quo. The existing status quo is the colonial status quo, but the point is to decolonize. I do not believe anyone can imagine that the Assembly could discuss a draft resolution providing for the establishment of a new colony. That is unthinkable. Can anyone imagine that a new colony could be established? For the adoption of such a decision it would be a good thing to require a two-thirds majority, so as to protect the people of the hypothetical colony and prevent their subjection to a new colonialism. In that case the majority would be an exceptional majority, for protection against certain innovations. But when the innovation is in the direction of decolonization, all Members of the Assembly have the obligation to promote and facilitate it.

143. These considerations, added to those which other delegations have already expressed, should help us strengthen the interpretation of the Charter which is most in conformity with the interests and liberation of peoples.

144. Mr. DE PINIES (Spain) (translated from Spanish): I must confess that my delegation finds itself in a decidedly awkward position. I cannot deny that my sympathies go out towards the request made to us by the distinguished representatives of Mali and Guinea, supported by a considerable number of Member countries.

145. Nor can my delegation conceal the fact that we find ourselves in a somewhat difficult situation vis-à-vis the motion put forward by the United States of America [A/I.478]. However, we believe that in present circumstances, bearing in mind the problems with which the Assembly is faced, we cannot disregard the precedents which have inspired us throughout this Assembly, during which we have worked with truly almost unprecedented vigour.

146. My delegation is faced with the following dilemma: in the ninth paragraph of the preamble to draft resolution A/L.476/Rev.1 mention is made of certain problems as threatening international peace and security. Operative paragraph 12, specifically, refers to the dismantling of military bases, and

paragraph 13 again refers to threats to international peace and security.

147. If I remember rightly, some days ago [1398th meeting, paras. 116 and 117], discussing a very important matter affecting twenty-six territories, in connexion with which draft resolution V [A/6160, para. 50] submitted to this Assembly spoke of the existence of military bases as being an obstacle to independence, and in the following paragraph requested the Powers to dismantle those military bases, we took a vote to uphold the ruling of the President that the two paragraphs should be deleted.

148. This did not prevent a considerable number—indeed I would say an extremely large number—of delegations from supporting the draft resolution in question, even though the two paragraphs had been deleted, and voting in favour of it. The delegations involved included one of the most important sectors in the world—I will not say the most important, but probably one of the most important. Yet, they abstained in regard to the next resolution, where there was no reference to military bases—in all likelihood, that was the reason why they decided to abstain.

149. Matters which threaten international peace and security, and problems of military bases, arouse a certain amount of suspicion and certain apprehensions in a considerable sector of this Assembly. It may well be due—and my delegation has no hesitation in saying this—to the fact that we have not as yet reached the point in the question of disarmament where we can go ahead and dismantle bases, and that a certain number of countries do not believe it is possible to accede to such requests until the process of general and complete disarmament is further advanced. My delegation believes that, without having to accede to the request by the United States that the entire draft resolution should be made subject, lock, stock and barrel, to the two-thirds rule, we might take a separate vote under the two-thirds rule on the ninth paragraph of the preamble, which reads as follows:

"Fully aware that the continuation of colonial rule and the practice of apartheid as well as all forms of racial discrimination threaten international peace and security and constitute a crime against humanity".

A separate vote might be taken on this paragraph, and then, likewise under the two-thirds rule, we might vote on paragraphs 12 and 13.

150. My country believes sincerely that the existence of military bases imposed by force is intolerable. Furthermore, we believe that the policies of apartheid are entirely unacceptable. But we are now at the end of the session. I do not think it advisable to embark on an interminable discussion. I venture to suggest (and I trust that the delegations of the United States and Mali will be able to accept my suggestion) that only those paragraphs—the ninth paragraph of the preamble and operative paragraphs 12 and 13—should be put to a separate vote under the two-thirds rule. The draft resolution as a whole would then be voted upon according to the usual voting procedure followed by the Assembly in regard to questions of decolonization, that is to say by a simple majority. My delegation makes this suggestion with a view to shortening

the debate. I trust that representatives will realize that the position of the Spanish delegation is unique. Spain is the victim of colonialism within its own borders, and at the same time is an administering Power. I do not think there is a parallel case in the United Nations. In these circumstances, my delegation commends the suggestion to the goodwill of representatives.

151. The PRESIDENT (translated from French): The United States has withdrawn its motion; consequently, the question of priority between the motion of Mali and that of the United States no longer arises. I shall put to the vote the motion submitted by Mali.

152. Mr. GOLDBERG (United States of America): I do not want to prolong this discussion. A suggestion was made by the representative of Spain. I want to make it clear, before a vote is taken, that I would have accepted that suggestion. This is in reference to the remarks made by the representative of Guinea. It is not our purpose to subject a colonial issue to a two-thirds vote. It is our purpose to point up that these clauses in the resolution deal with international peace and security under the Charter. That is the purpose of raising this question. This is a matter of principle with us, not a political matter.

153. I want to point out that, in 1961 a draft resolution was offered by Cameroon, the Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, the Ivory Coast, Madagascar, Mauritania, Niger, Senegal, Togo and Upper Volta. It was put to the vote on 27 November 1961 [1065th meeting]. The draft was entitled: "The situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples". It spoke, as these clauses do, of international peace and security. And this, I think, is a complete answer to the contention of the representative of the Soviet Union that once you adopt a resolution in this area implementation resolutions do not require a two-thirds majority.

154. On that draft resolution, we, with many others—Nigeria, Norway, Panama, Paraguay, Peru, Cameroon, Central African Republic, Chad, Chile, Colombia, Congo (Brazzaville), Dahomey, and many others—voted in favour; others voted against. The result of the vote was 53 in favour, 41 against, and 9 abstentions. The ruling was: "The draft resolution was not adopted having failed to obtain the required two-thirds majority". We were in the majority, a simple majority, but we did not protest that ruling.

155. I should like to say that we have not withdrawn our motion. I have said that we would not ask for priority. The representative of Mali pointed out that his motion had been filed first.

156. Finally, I should like to say that we did not raise this issue. It was raised by the motion made by the representative of Mali. We would have been perfectly satisfied to have the vote and then have it determined, in the normal course—as was done in the vote to which I have just referred—what rule applied.

157. Mr. COULIBALY (Mali) (translated from French): Following the suggestions and proposals made after my last statement, I should like to reaffirm

that, for reasons of principle, my delegation, as well as the other sponsors of the draft resolution, maintain the motion that I have submitted; that is, we maintain our motion requesting that the draft resolution as a whole be subject to simple majority vote. We do not think that it would be right to apply the simple majority rule to some paragraphs of the draft resolution and the two-thirds rule to other paragraphs.

158. The general problem of bases has been raised here in order to create confusion; there has been reference to disarmament. But in the draft resolution it is not a question of military bases situated in independent countries. We continue to believe that military bases installed in independent countries have been installed because the Governments and peoples of those countries very definitely wished them to be there.

159. In regard to Angola, Mozambique or so-called Portuguese Guinea, however, it is a question of colonialist bases installed in those countries not at the request of a Government or a people, but in order to oppress the population of those countries. It is precisely those military bases which we want to see dismantled.

160. Confusion should not be created by talk of general disarmament or of the problem of bases as a whole.

161. We ask that the bases situated in colonial territories, which have been installed there without consultation with the peoples of those territories and without their agreement and which, consequently, constitute a shackle, a violation of the rights of those peoples—we want, I repeat, those bases to be dismantled. But we are not speaking about bases situated in independent countries, which do not fall within the framework of the present discussion.

162. I wished to make that clarification in order to avoid any confusion about our intentions. We have not the slightest intention of interfering in the internal affairs of sovereign countries, of independent countries which, within the framework of alliances they have contracted, have military bases installed in their countries. It is a question here of military bases in Angola, in Mozambique, and I do not think that in this Assembly there are any delegations who wish those bases to be maintained in the countries I have named for the purpose of daily killing innocent people there. It is for the dismantling of those bases that we are asking.

163. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): I should like briefly to clarify the procedural situation before us. As we had a rather unpleasant experience last week, to which it would be better not to revert, either directly or indirectly, I should like to verify that the general understanding of the Assembly and your understanding in particular, Mr. President, is as follows.

164. If we adopt the motion of the representative of Mali, it will mean that the draft resolution as a whole, and not only the draft resolution as a whole but each and every part of it, each and every comma—if a separate vote is asked for—may be adopted by a simple majority.

165. I repeat: if we adopt the proposal of Mali, that will be interpreted by you, Mr. President, and by the whole Assembly—and I hope that I am stating the intentions of the Malian delegation correctly—as meaning that a simple majority will be applied to the draft resolution as a whole and to any part of it.

166. If this is incorrect, then I would ask that this question should be settled before the vote. However, I think that this is quite clearly the position; I have merely stated it in order to avoid any confusion after the vote, such as occurred last week.

167. The PRESIDENT (translated from French): The representative of the United States does not press for priority for his motion. Consequently, I shall put the motion of the representative of Mali to the vote, it being understood that if this motion is adopted, the question will be settled by a simple majority.

168. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): I must apologize for speaking again, Mr. President, but you speak a beautiful language which I have only just begun to study, and for that technical reason I sometimes have to verify whether I heard you correctly in the interpreted version. In the interpretation of your statement, I did not hear you confirm that if the Malian representative's proposal is adopted, this will mean that the resolution as a whole, as well as any part of it, should a separate vote be requested, will be voted on and decided by a simple majority.

169. Unfortunately, I have no earphones and I cannot verify the French interpretation of my words. If we are in agreement, then I apologize to you and to the Assembly for taking up these few extra minutes.

170. The PRESIDENT (translated from French): The representative of the Soviet Union was correct in his understanding of what I said. I now invite the Assembly to vote on the motion submitted by the representative of Mali, to the effect that when the vote on draft resolution A/L.476/Rev.1 and Add.1 and on all the parts of the draft resolution is taken, the simple majority principle shall apply. A roll-call vote has been requested.

A vote was taken by roll-call.

Syria, having been drawn by lot by the President, was called upon to vote first.

In favour: Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia, Afghanistan, Albania, Algeria, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Cuba, Cyprus, Czechoslovakia, Ethiopia, Gabon, Ghana, Greece, Guinea, Hungary, India, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Malawi, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan.

Against: Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria,

Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Guatemala, Honduras, Iceland, Iran, Ireland, Israel, Italy, Japan, Laos, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, South Africa, Spain, Sweden.

Abstaining: Trinidad and Tobago, Haiti, Madagascar, Malaysia.

The motion was adopted by 59 votes to 45, with 4 abstentions.

171. The PRESIDENT (translated from French): Before we go on to vote on the draft resolution contained in document A/L.476/Rev.1 and Add.1, I should like to draw the Assembly's attention to the report of the Fifth Committee [A/6134] setting out the financial implications of the Special Committee's recommendations in chapter I, paragraph 109, of its report [A/6000/Rev.1], recommendations, which, I take it, are reproduced in the draft resolution. Secondly, as certain representatives have asked to explain their vote before the vote is taken, I shall now ask them to speak.

172. Mr. EDWARDSSEN (Norway): I should like to state briefly our position with regard to the draft resolution before us [A/L.476/Rev.1 and Corr.1 and Rev.1/Add.1]. But, before doing that, I should like to say that we voted against the motion that has just been passed because we consider the draft resolution on which we are about to vote to be very important. It has now been decided by the Assembly that it is not an "important" matter under the Charter, and I do not know how that will influence my Government.

173. As to the draft resolution before us, we would very much have liked to vote for it, since we share the objectives of its co-sponsors—to bring an end to colonialism. The Norwegian delegation has on previous occasions voted in favour of the principal resolution on implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which among other things, requests the Special Committee to continue its important task. However, we regret to say that this year there are certain aspects of the draft resolution which we cannot accept.

174. In the first place, there is a general characterization, in the penultimate preambular paragraph, which reflects the language of Chapter VII of the Charter, in so far as it is stated that "the continuation of colonial rule... threaten[s] international peace and security". Norway's position on this point is well known. We believe that, in accordance with Article 39 of the Charter, it is reserved to the Security Council to determine the existence of a threat to the peace.

175. Furthermore, there are some operative paragraphs that make difficulties for my delegation. Paragraph 11 seems to involve a request to Member States to apply economic sanctions against certain countries. Here, again, my Government maintains that this is the prerogative of the Security Council.

176. Finally, the general request to colonial Powers "to dismantle the military bases installed in colonial Territories and to refrain from establishing new ones" has no reference to the opinion and attitudes of the

inhabitants involved. It is therefore unacceptable to my delegation.

177. Accordingly, Norway will have to abstain on the draft resolution before us.

178. Mr. MELLBIN (Denmark): The position of Denmark on the problems of decolonization has always been progressive, and we firmly believe that the United Nations has a highly important role to play in the process of decolonization. We therefore supported the establishment of the Special Committee, and we have supported all the resolutions by which its mandate was renewed and the main lines of the United Nations policy on colonial problems were drawn up. Furthermore, we have had the privilege of serving on that Committee for some years, and we hope that, in participating in that important work, we have also made a positive, if modest, contribution to its accomplishment. We agree that the Committee should continue to perform its task.

179. It is therefore with the greatest regret that my delegation will not be able to support the draft resolution now before us, as contained in document A/L.476/Rev.1 and Corr.1 and Rev.1/Add.1. That draft goes far beyond earlier resolutions on the question of decolonization in general and brings up many controversial issues. There are, of course, a number of paragraphs which we can support, as will be clearly seen from our votes on the resolutions of earlier sessions on the problem of colonialism in general. But the present draft resolution we cannot support. I shall mention only our most important objections.

180. We cannot accept the unqualified establishment of a threat to peace and security suggested in the ninth preambular paragraph. We think that operative paragraph 11 goes beyond the competence of the General Assembly. We cannot support the request to the colonial Powers in operative paragraph 12—among other reasons, because we do not believe its purpose is decolonization, but something quite different. And we do not believe that the General Assembly, as suggested in operative paragraph 13, can or should delegate its authority to make recommendations to the Security Council.

181. These are the reasons underlying the Danish vote today—which does not, however, indicate any change in my Government's position, which will still be to support wholeheartedly the process of decolonization.

182. Mr. ZOHRAB (New Zealand): The New Zealand delegation regrets that it must vote against the draft resolution before us [A/L.476/Rev.1 and Corr.1, and Rev.1/Add.1] concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. I will not address myself to the question of principle and procedure which has just been debated at length.

183. Our vote against the proposal of Mali is a clear indication of our attitude and is, we believe, consistent with the provisions of the Charter. We have not in the past opposed draft resolutions aimed at implementing the Declaration—in particular, by extending the mandate of the Special Committee of Twenty-four members. New Zealand has been a consistent supporter of the

Declaration, has endeavoured earnestly to implement it in the few islands remaining under its administration and has respected much of the hard work done by members of the Special Committee on decolonization. The Committee has, I believe, met more times over the past year or eighteen months than any other political organ of the United Nations, and its members, led by the able representative of Mali, have had to absorb vast amounts of material on dozens of different territories. If one does not always concur in their conclusions, one can still admire their dedication, and the New Zealand delegation pays tribute to this.

184. In short, New Zealand's opposition to this draft resolution does not relate to the implementing of the Declaration or to the extension of the mandate of the Special Committee—both of which we support. Our opposition is to be interpreted as a protest against the failure—more noticeable, we believe, in this case than in the case of similar resolutions in the past—to discriminate among colonial situations. This is particularly marked in the ninth preambular paragraph but appears also in other paragraphs. The New Zealand delegation does not question the applicability of much of what is noted about colonialism in this draft resolution to, say, the situation in South West Africa; but we do, to take one example, question its applicability to the Tokelau Islands under New Zealand administration.

185. Let us highlight the issue by looking at this specific case. The Tokelaus are a group of three small circular strips of coral sand set in the Pacific about 300 miles north of Samoa. The total land area is four square miles. The population is about 2,000. There is no point more than fifteen feet above sea level, so that the islets are in constant danger of being washed over by seismic sea waves. There is little possibility of economic development, and the economy is subsidized by New Zealand. There is no continuous "colonial" presence as such in the islands, and most of the time the people run their own affairs through local councils. The only military presence is the occasional visit of a Royal New Zealand Air Force flying boat to pick up patients for medical treatment or of a Navy ship to carry out reef blasting to open a passage for the islander's boats.

186. The 2,000 islanders have, of course, the right to determine their future, including a right to independence—impractical though this might be in reality—and the right to membership of this Organization, no less than any other group of people in that area. Both they and the Governments concerned have rejected any idea of their association in some way—even with a New Zealand subsidy—with their neighbours, Western Samoa and the Cook Islands. Their future is thus still uncertain. Many Tokelau Islanders appear to dream of the day when they will be able to move to other island groups or to New Zealand. Can those who drafted this resolution expect us to vote that the existence of this situation, in the words of the ninth preambular paragraph, threatens "international peace and security" and constitutes "a crime against humanity"? We assume that it was not the intention of the co-sponsors to suggest that. They were pre-occupied, quite rightly, with the situation in southern Africa, and much of the draft resolution is read by professionals in that light. But this is the point: to

those outside this Assembly generalizations such as those in the ninth preambular paragraph, without qualifying phrases accompanying them, will be read as applying to all colonial situations, including that, say, in the Tokelau Islands. One can, of course, vote for resolutions with mental reservations or with one's tongue in one's cheek, but to do this is neither honest nor helpful to the people concerned or the United Nations itself. It seems to my delegation that, if the Assembly is not prepared to use some discrimination, if it deals in slogans and generalizations, its work will come to be discredited and its mandate to assist in the final stages of decolonization will be challenged.

187. New Zealand is particularly pleased to observe from operative paragraph 8 that the Special Committee is to be asked to pay particular attention to small territories. We do not believe that the references in the draft to which we have referred, undiscriminating as they are, provide a suitable context for this request to the Special Committee. Therefore, we cannot support these references as they stand.

188. The PRESIDENT (translated from French): I invite the Assembly to vote on the twenty-three Power draft resolution [A/L.476/Rev.1 and Add.1]. A separate vote has been requested on the ninth preambular paragraph and on paragraphs 12 and 13.

189. If there are no objections I shall ask for a vote on each of the paragraphs for which a separate vote has been requested in turn.

The ninth preambular paragraph was adopted by 63 votes to 16, with 22 abstentions.

Paragraph 12 was adopted by 49 votes to 37, with 18 abstentions.

Paragraph 13 was adopted by 66 votes to 15, with 24 abstentions.

190. The PRESIDENT (translated from French): I now put to the vote the draft resolution as a whole. A roll-call vote has been requested.

A vote was taken by roll-call.

The Central African Republic, having been drawn by lot by the President, was called upon to vote first.

In favour: Central African Republic, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Cyprus, Czechoslovakia, Ethiopia, Gabon, Ghana, Greece, Guinea, Haiti, Hungary, India, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Laos, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Albania, Algeria, Argentina, Bolivia, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon.

Against: New Zealand, Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia.

Abstaining: China, Costa Rica, Denmark, Dominican Republic, El Salvador, Finland, France, Guatemala, Honduras, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Paraguay, Philippines, Spain, Sweden, Trinidad and Tobago, Austria, Belgium, Brazil, Canada.

The draft resolution was adopted by 74 votes to 6, with 27 abstentions.

191. The PRESIDENT (translated from French): I shall now call successively on representatives who wish to explain their vote.

192. Mr. DIAZ GONZALEZ (Venezuela) (translated from Spanish): It is our understanding that operative paragraph 10 of resolution A/L.476/Rev.1 and Add.1 which has just been adopted refers to assistance provided for under the provisions of the Charter. If this paragraph had been voted upon separately, we would have abstained.

193. We would also have abstained from voting on operative paragraph 11, on the grounds that, as we have said on other occasions, sanctions against a Member State can be decided upon only by the Security Council in accordance with the terms of the Charter.

194. We voted against operative paragraph 12 for reasons which are well known. Our position has been made clear on many occasions, and it has never changed. We cannot accept, on the pretext of anti-colonialism, the attempt to introduce into a draft resolution on colonial questions issues which are marginal or alien to the subject, calculated to force States that are naturally anti-colonialist and not acting for reasons of political expediency or propaganda, to vote in favour of matters that will benefit third parties and not the colonized peoples.

195. We voted in favour of the draft resolution as a whole because it embodies principles that we have always upheld, and because it introduces new factors which to us seem just, especially in operative paragraph 5, where an appeal is made to the colonial Powers to put an end to their policy, which violates the rights of colonial peoples through the systematic influx of foreign immigrants and through the scattering, deportation and transfer of the indigenous inhabitants.

196. We interpret this paragraph as referring to all types of foreign immigrants, irrespective of origin. We believe that the United Nations must have regard to the fate of the indigenous populations of certain colonies. The United Nations has a fundamental duty to protect those populations. Independence alone is not enough. If they are left to the mercy of a new colonialism based on societies governed by caste systems and racial loyalties, on the very morrow of independence the indigenous peoples would be under the domination of the foreign majority.

197. Hence, the United Nations must give thought to the protection of the indigenous inhabitants against those foreign communities which would like to extend the economic stranglehold they already possess in connivance with the colonial Powers by adding to it a political stranglehold, under the guise of the application of the principle of one man, one vote. Such communities have even taken up arms to help the colo-

nizers against the indigenous inhabitants in the African colonies, as can be proved from the records of the meetings of the Special Committee of Twenty-four in Africa, and especially from the statements of petitioners heard by that Committee.

198. In conclusion, I would request that this explanation of vote be included verbatim in the records of this meeting, and I shall hand a copy of my statement to the Secretariat to that end.

199. Mr. PATRICIO (Portugal): My delegation has cast a negative vote on draft resolution A/L.476/Rev.1 and Corr.1, and Rev.1/Add.1. The reasons for our vote are evident in the resolution itself. It contains unjustified, discriminatory references to my country which are wholly inadmissible. There are likewise other paragraphs in the resolution which my delegation cannot accept for they constitute a flagrant violation of the principles laid down in the Charter. My delegation wishes to protest emphatically against the continued attempts to interfere with the constitutional structure of my country and the persistence, despite the contrary findings of the Security Council, in charging us with hampering international peace and security.

200. Incidentally, in order to keep the record straight, my delegation wishes to make it clear that there are no military bases in any part of the Portuguese provinces of Angola, Mozambique or Portuguese Guinea, as has been alleged here. The Portuguese security forces to be found in those provinces are there in order to protect the populations against the violence inflicted on them from outside.

201. The views of my delegation on the question of decolonization are well known; they are unfortunately often misinterpreted. It would not be out of place, therefore, to remind this Assembly that my delegation has always favoured decolonization in areas where colonialism really prevails. On the other hand, my delegation regrets that sometimes true colonial situations in the world today do not find a place in the discussions in this Organization. My delegation regrets to note that a blind eye is thus turned to many cases of patent injustice crying for redress and remedy merely because certain Powers want to camouflage the political objectives of their foreign policies.

202. Perhaps it would not be too late to hope that this lacuna will be filled in the near future.

203. Mr. GIMENEZ MELO (Argentina) (translated from Spanish): Argentina has an unequivocal record of support for the decolonization policy of the United Nations, based on the fundamental principles of the Charter and set forth in Assembly resolution 1514 (XV). For this reason, my delegation voted in favour of draft resolution A/L.476/Rev.1 and Add.1, which approves, in what are on the whole dispassionate and equitable terms, the work of the Special Committee of Twenty-four and endorses the work it will do in the future to end colonialism all over the world and in all its forms.

204. Nevertheless, had my delegation had the opportunity to express its views on other particular aspects of the resolution, it would have abstained on paragraph 10, since so-called movements of national

liberation, promoted as a rule from outside, and not always with independence as their sole concern, can be confused with genuine revolutionary action on the part of populations; and also on paragraph 11 as obstructing the right of small countries, whose peoples are not responsible for the policies of their Governments, to take advantage of assistance for their economic and social development.

205. With regard to paragraph 12, the Argentine delegation abstained on the grounds that, as we have stated on many occasions, we consider that although the presence of military bases can in certain instances hamper the normal process of independence of a territory, the sovereign right to make decisions in such matters belongs to the future authorities of those countries.

206. Subject to those reservations, which imply an attitude of abstention with regard to paragraphs 10 and 11, my delegation has been happy to give its support to a draft resolution which affirms the decision of the majority of Member States to work unceasingly at the task of liquidating colonialism.

207. Lord CARADON (United Kingdom): I should, first of all, say one word on the vote taken earlier this afternoon on the proposition that the resolution now adopted was not on an important question within the meaning of the Charter. That is the necessary consequence of the contention that the resolution did not require a two-thirds majority. I must admit that I was astonished that so many representatives should argue in support of such a proposition. For myself, it seems to be obvious, as it will appear to many elsewhere as well as here, that it is in fact an important question which we debate, and to say otherwise is, it seems to me, to debase the currency of the resolutions of this Assembly.

208. For reasons which we have often made clear elsewhere, there are parts of this resolution which we cannot support, and we consequently voted against the resolution as a whole.

209. I do not wish to leave it at that. I should never wish it to appear that in this great issue, in which my country is as much concerned as any other country in the world, our attitude and policy are negative. The truth is exactly the opposite. Our principles and our purposes are plain, and they are very positive; wherever we have carried the burden of responsibility, we have persistently pursued them.

210. We believe that no nation and no people and no race should be dominated by another.

211. We believe that every nation should be free to shape its own destiny.

212. We believe that colonialism should be ended as rapidly as possible.

213. We believe that that process should be undertaken in consultation with the people of the countries concerned.

214. We believe that their needs and their wishes should be paramount.

215. We believe that they should be enabled to make a new start with the best prospects of economic

advance, and with a working system of representative government.

216. We believe that in the small and scattered colonial territories which remain we should apply these principles and methods in which we and they believe.

217. By following these policies we have, in less than twenty years, brought twenty-six nations to independence—nations with a population of more than a fifth of the population of the world. So that now, out of the total population of the Commonwealth, amounting to 750 million people, little more than 1 per cent live in non-self-governing and dependent countries.

218. We are determined to deal with the 1 per cent as we have dealt with the 99 per cent who are already free—to deal with their problems fairly and fearlessly, always with respect for their wishes and their interests. We shall finish our task as we began it and as we have pursued it so far.

219. So much for past achievement. Let me add four comments about the future.

220. First, I respect the strong feelings which are expressed here, particularly by representatives of those countries which have themselves honourably emerged from colonial status. We sometimes disagree with them on method, but we are in full agreement with them on purpose. I hope they will not doubt that we share the intensity of their hatred of all forms of racial discrimination and racial domination.

221. Second, I trust that those who express these strong feelings will realize that in the remaining colonial territories there are real and varied and peculiar difficulties which cannot be wished away by sweeping declarations or by any sudden surgical severance. There are real difficulties which demand further consultation and conference with the people of these territories themselves if injustice is to be avoided and if there is to be hope that their future can be one of fruitful and peaceful progress and economic co-operation.

222. Third, we disagree with much that is said in criticism, some of which, such as that which we regularly hear from totalitarian States, is in disregard of the interests and wishes of the people of these countries themselves. Nevertheless, we have continued patiently to explain and justify our actions and policies. We shall persevere in doing so.

223. Fourth, we well recognize that the test of what we say and what we claim must not be in words, but in action. My country is rightly proud of its record of enfranchisement and liberation. But though we have come most of the way along the road which we set ourselves, we still have ahead of us some of the hardest problems and serious challenges. We have shown and we shall continue to show by our actions that we mean all that we say. We face final tests now. We are determined that we shall succeed in meeting them for we realize that, in the famous words, it is not the beginning of any great matter but "the continuing of the same until it is thoroughly finished that yields the true glory".

224. Whether it is in Rhodesia or in British Guiana or in Aden or in more than a score of small countries

around the world, we are rightly expected to demonstrate that we shall faithfully pursue the policies which we defend—policies which have been tried and tested and found to be sure and true.

225. We have an obligation to prove by positive and urgent action that justice will be done to all, that freedom of choice will be enjoyed by all, and that the wishes of all the people will prevail.

226. We are not unaware of the difficulties of our remaining task. We know well enough that it will not be easy and we know there are difficulties and dangers ahead. We are determined to tackle them and we are determined to overcome them. We do not shirk our responsibility, and this, I assure you, we shall demonstrate in practical achievement. We shall carry out our remaining responsibility in pursuit of purposes on which I believe we are all agreed.

227. Mr. LOPEZ VILLAMIL (Honduras) (translated from Spanish): If the ninth preambular paragraph and operative paragraphs 12 and 13 of draft resolution A/L.476/Rev.1 and Add.1 had been rejected, my delegation would have been prepared to vote in favour of the draft resolution as a whole as being an essentially and genuinely anti-colonialist document. That is the attitude my delegation has consistently maintained in the United Nations and will continue to maintain in the future.

228. It has been insinuated that what we have said about the integrity of the wording of the Charter makes us virtually advocates of colonialism. We flatly reject such an accusation. I hesitate to quote the saying that the Devil is good to his own, because the foreign policy of all countries, when it is based on principles, is not a subject for derogatory interpretation, merely to score a cheap point, without respect for the integrity of those who have supported actions and draft resolutions in a manner consistent with the practice evolved for over twenty years in this Organization.

229. We shall be against colonialism whenever it is challenged honestly, but not when it is used to cover up other designs and when those concerned are not countries that have suffered in any way from colonialism but actually perpetrate colonialism with occupation forces or doctrines of totalitarianism far removed from the principles of the Charter of the United Nations.

230. Mr. McCARTHY (Australia): In explaining the vote of my delegation on the draft resolution contained in document A/L.476/Rev.1 and Corr.1, and Rev.1/Add.1, I should like first to endorse our agreement with the position expressed by the United States representative in relation to the principles on which his attitude with regard to the voting was based. It would be presumptuous of me to attempt to elaborate further on the particular points made by this jurist of world renown. The very fact of this renown gives his observations a validity of the highest order in their own right. Apart from what might be termed the aspects of legal judgement on the particular points involved, there is underlying in everything he said the profound realization and experience of those principles and processes of thinking in the minds of free men which have gone to establish legal concepts

and concepts of order and progress and which are fundamental to the actual pronouncements of great judgements. In addition, of course, Mr. Goldberg has stood before us as one who deeply cares about the United Nations and as a representative of a country dedicated not only to the ideals and purposes of the United Nations and the Charter, but to the continuance at all costs of the idea which the United Nations represents.

231. This idea is at the very core of what I wish to say here briefly today. Growing, as I have said here previously and as we all know, out of the common suffering of mankind towards the common hope of all men, regardless of the colour of their skin, their religious beliefs, the separate histories which have made them what they are, this United Nations must, above all, stand for the rule of law, for the principle of restraint, for the promotion of peace and for the subordination by us all of narrow, individual, parochial and national aspirations, where necessary, to the ideals which are the property of all men and which are represented here.

232. But although these things are constant, twenty years have now passed since the signing of the Charter, twenty years during which we have thought with great profit to our purposes along certain lines and in certain terms. These lines of thought and these terms have served us well. But the world has changed in that time, and the United Nations has mirrored some of those changes. To what actual extent it has done this can, of course, be a matter only of conjecture and opinion. But I do believe that attitudes and slogans which have served as well in the past can be as stifling to progress now as the lack of their enunciation and lack of adherence to them would have been in the past.

233. In this resolution which has just been adopted we have, first of all, a blanket approach which would reduce situations in many parts of the world, and of vitally differing natures, to one common appearance. There can be no such common appearance. There is no one situation, colonial or otherwise—in this case, colonial—which is precisely the same as any other one situation. It is true that there are elements in some situations which are common to elements in other situations. It is equally true that there are some situations, referred to by implication, at least, in this resolution, which have almost no point in common with other situations so implied and, indeed, which are marked by differences as profound as those by which the night is set apart from the day.

234. Let me not be misunderstood when I mention briefly the following matters. This mention comes from deep reflection on the part of my delegation and, if I may be forgiven for saying so, from no small experience in the matters of which I speak. It comes also from a deep and abiding belief in the brotherhood of all men. It comes also from a vital belief in the importance of individual dignity, of individual life and of individual freedom, so that these beliefs are as inseparable from the approach of my people to the problems of living and of the world as the sun is from the light. It comes from a rejection of the most profound kind of racist concepts. It comes from a complete lack of desire to impose our will upon other people; indeed, a determination not to do so. It comes from a

complete lack of expansionist ambition of any kind, a steady purpose not only to protect our right to live our lives in these circumstances as we wish to live them, but similarly, as far as we can, to protect these rights for other people, wherever and whoever they might be.

235. Against this background, I mention now the word which is at the very core of what we have been discussing, that is the word "colonial" itself. Does this word still mean, in all situations of association between countries—such as there is between my own country and certain territories for which it is responsible—what we all understood it to mean in its classical form only a few years ago? If it purports to mean that, then, on the part of my own country, I must reject this word. While it is undoubtedly true that certain countries still remain under "colonial domination", it is equally true that we, referred to I suppose implicitly, although not explicitly, in this resolution as "a colonial Power", have no people under such domination.

236. There is in this resolution, as there have been in the many, many other resolutions on this general subject in the United Nations, references to "struggles by the peoples under colonial rule to exercise their right of self-determination and independence". There is no such struggle in the Australian territories. No such struggle is necessary. There is instead a common striving towards common purposes, towards self-determination and independence and towards partnership between my Government as an Administering Authority, and the people being governed. I repeat: there is no such struggle because no such struggle is necessary. There is a common effort between two groups of people who are working towards common purposes with mutual respect.

237. This leads me to reflect for a moment on the meaning of the word "independence". This word has served us well. This word has been a beacon for us. But independence can take many forms. It has no single, no unchanging form. It has no single means of expression. Nor is it necessarily synonymous with individual freedom as we know it. While it is true, I suppose, that as an idea independence may be considered to be the ultimate in freedom, in practice many people, on whose society this final crowning centrepiece has not yet been grafted, can walk in the greatest freedom. And it is so in the Australian territories. There, as I have explained, freedom does exist and it breathes life into every effort.

238. In making these few suggestions for further thought, I would not have our friends from Africa particularly, and our friends from Asia also, carry away the thought that we in my delegation have too small an appreciation of their purposes and their emotions. This is far from being the case. If indeed I were an African, I would feel as they do about so many matters. Their history alone makes their feelings and emotions so understandable to me, and their struggles at so many points so laudable. But I do ask them for a similar understanding of a different set of circumstances in my part of the world, that is in the Pacific. Here, as I have explained, different histories have conditioned and are conditioning the whole situation. We, as a colonial Power, if the majority here insists on using this term—and, as I have

suggested, we do not see ourselves either as a Power or as a colonial—ourselves having emerged from colonial status, came into this field almost by accident, certainly not through predatory design. We have not had to resist struggles for independence for the simple reason that we recognize the paramount nature of the wishes of the people and we are not denying them, either in the exercise of those wishes or in other directions in which they are seeking to express themselves, the opportunity or the power to do so. Indeed, the very reverse is the case.

239. But whatever accidents of history may have led us in the past, the simple reason we remain there now is because we have undertaken a task to the world, to the United Nations, to ourselves and, most importantly, to the people of a country who, until that task is achieved or until these people themselves wish it to be otherwise, are our people.

240. Quite simply, what I am asking for here is an understanding of the deep sense of responsibility which I truly believe is the greatest motivating force in the administration of the Australian territories. This in no sense arises from any feeling of condescension. This is in no sense a burden. This is an expression of our feeling for the brotherhood of man. It is also personalized as an expression of feeling for people whom I consider as friends in the deepest sense of the word.

241. While my delegation agrees with much that is in this resolution; while we appreciate the great efforts of the Committee of Twenty-four and will, for our own part, continue our efforts in that Committee; while we appreciate and share the anxiety, indeed the anguish of our African friends with regard to South West Africa, apartheid and the policies of Portugal we have had to oppose this resolution partly because of the generality and blanket nature of its observations and recommendations, the implications of which, as I have made clear, we must for our own part, in relation to ourselves, entirely and completely reject, partly because, as the representative of the United States has pointed out, it is contrary to the Charter itself and to what we conceive to be methods and practices fundamental to the proper discharge of the very idea which the United Nations represents and embodies, and partly because it contains certain provisions with which we fundamentally disagree.

242. Mr. DONALDSON (Trinidad and Tobago): The vote of the delegation of Trinidad and Tobago explains the particular circumstances which obtain in my country. Trinidad and Tobago is a country in which there was a military base before independence, and yet my Government was able successfully to negotiate the terms under which this base continued. Naturally, my delegation supports the resolution as a whole, but in view of our experience we necessarily had reservations in respect of operative paragraph 12. For this reason, and this reason alone, my delegation found it necessary to abstain.

243. Mr. BOTHA (South Africa): My delegation voted against the paragraphs voted upon separately, as well as against the resolution as a whole. The sponsors of the draft resolution saw fit to single out my country for special attack, as will be seen from the fifth,

eighth and ninth preambular paragraphs as well as operative paragraphs 11 and 14. My delegation objects to the allegation of oppression imputed to South Africa in these paragraphs and particularly to the charge in the ninth preambular paragraph and operative paragraph 14 that its domestic policy of separate development threatens international peace and security and constitutes a crime against humanity. Questions of international peace and security are, in any event, within the exclusive jurisdiction of the Security Council and, therefore, not within the competence of the Assembly.

244. My delegation is also opposed to operative paragraph 11 of the draft resolution, in which the Assembly is being asked to act in violation of the constitutions of the specialized agencies. I wish to state, moreover, that if economic and technical assistance is meant, South Africa is not a recipient of this type of assistance but an exporter thereof. The reference to South Africa in this paragraph therefore becomes meaningless.

245. Finally, with reference to operative paragraph 3, my delegation cannot endorse all the recommendations contained in the Special Committee's report.

246. The foregoing considerations are some of the reasons why the South African delegation could not support draft resolution A/L.476/Rev.1 and Corr.1, and Rev.1/Add.1.

247. Mr. MALECELA (United Republic of Tanzania): Before I go on to explain the vote of my delegation, I should like to point out that, since we consider the representative of South Africa as being immorally present in this hall, we therefore were morally absent from the hall. We want him to understand that while he was speaking here we were morally completely absent. We were physically present only because our delegation was the next on the list to speak. We consider that the so-called representative of South Africa does not really represent the people of South Africa, but only a racist minority, and in view of this fact, we consider it absolutely immoral that this Organization allows the presence of such a so-called representative of the people.

248. My delegation voted for the resolution contained in document A/L.476/Rev.1. We know that colonialism, which is at this time on the way out, is definitely having a hard time. We know this because we find the colonial Powers at this time trying to hide behind several pretexts; sometimes they even go so far as to try to use the very United Nations Charter to hide their iniquities. We see the colonial Powers coming to this rostrum and trying to give us a number of examples that really have no relevance to the actual situation. In this regard I should like to refer to one of the speakers who preceded me, a speaker who I know has come, on a number of occasions, to this rostrum and appealed to us for what he called patience, saying that he wants us to see that his Government has given independence to so many people. We want him to know that even if independence has been given to 700 million people, this has no meaning at all to the people of Zimbabwe. Even if independence has been given to 700 million people, this has no meaning at all to the people who are still waiting for it. What they want is their own independence.

249. We want the colonial Powers to understand that they ought not to have had any colonies in the first place. Therefore, when they come to this rostrum and tell us about the countries they have given independence, we are definitely not very much impressed. And as for the patience that they are always calling for, of course we know what patience is. But when that patience is turned to their own use, to enable them to connive as they have in Southern Rhodesia, where we know for certain that the United Kingdom Government is trying to connive with Smith, then certainly we will tell them very frankly from this rostrum that the word "patience" is being very much misused.

250. My delegation voted for this resolution because we find many implications in it. Some people have come here and tried to tell us that we must understand that colonialism in Africa and colonialism in the Far East are something different. I want the representative of Australia to understand that colonialism, whether in Africa, in Asia, or anywhere else, is always the same. And when he appeals particularly to the Africans to try to understand, we want him to understand something too: that we have suffered under colonialism and that is why we must speak and act against colonialism.

251. Then too, the other day when I came to this rostrum I asked the representative of Australia a simple question which so far has not been answered. I said that of the many territories that were placed under the Trusteeship System, many have attained independence, except—and I repeat—except all those territories under Australian administration. We certainly wonder why. Is it perhaps that Australia is a very slow teacher? If Australia cannot lead the peoples of those territories to independence as quickly as possible, then we certainly will say from this rostrum that they are not fit to run Trust Territories. We would have been glad if Australia had come to this rostrum during this twentieth session and said that because of their consultations, and so on, they were giving independence to such-and-such a territory. But all we are told all the time is "Patience, patience, patience". What we want is independence for the peoples of the world, whether they are in New Guinea or anywhere else.

252. These are the views of Africa which I want the representative of Australia to understand. Of course, we have been told by many delegations from this rostrum about how sympathetic they are towards this cause. I want, however, to assure the representatives that, for Africa, it is no longer a question of words of sympathy. We are fed up with empty slogans of sympathy. What we want is action, so that the peoples of the world, whether in Africa, in Australia, in New Guinea, wherever they may be, may ultimately receive their independence just as many other countries have that are now Members of the United Nations.

253. I have given this short explanation of why my delegation voted in favour of this resolution and we sincerely hope that the measures specified in it will be implemented and that we will not have any military bases under the pretext of an emergency or under any other pretext. We hope the resolution will be carried out, especially by the colonial Powers.

254. The PRESIDENT (translated from French): I call on the representative of Somalia, who wishes to make a short statement.

255. Mr. ADAN (Somalia): Before I make my statement, I should like briefly to say that I support everything that has been said by the representative of Tanzania regarding the intervention made by the representative of the white minority racist Government of South Africa. The criminal policies of the South African Government are only too well known to members of this Assembly, as well as to the whole world, and therefore his intervention here was nothing more than a cry in the wilderness.

256. First of all, I should like to take this opportunity to congratulate the Committee of Twenty-four for the very useful recommendations which that Committee has made in its report, which was adopted in the resolution voted upon a little while ago. The adoption by this Assembly of the report of the Special Committee represents a significant milestone to many non-self-governing territories in their struggle for self-determination and independence.

257. We know that it will bring hope and encouragement not only to the larger colonial territories like Angola, Mozambique and so-called Portuguese Guinea, but also to other territories, like French Somaliland, which continue to chafe under colonialism and where the intensity of the desire of the people concerned is by no means less than that of their brother Africans elsewhere.

258. The Somali Republic, since achieving its independence, has advocated consistently that the people of French Somaliland be permitted to decide their political future by free elections under the auspices of the United Nations. Its representatives have raised the question of French Somaliland at almost every international political conference they have attended since 1960. At the Non-Aligned Conference held in Cairo last year, the right of the inhabitants of this territory to self-determination and freedom from colonial rule was clearly expressed in the Declaration issued at the end of the Conference which reads as follows:

"The participants in the Conference call upon the French Government to take the necessary steps to enable French Somaliland to become free and independent in accordance with paragraph 5 of resolution 1514 (XV) of the United Nations."^{2/}

259. My delegation submits that the situation in French Somaliland demands that the question of its freedom from colonial rule be accorded priority in the agenda of the Committee of Twenty-four. Much to the dismay of the inhabitants of French Somaliland, the French Government has made it quite clear that it intends to remain in that territory indefinitely for political, economic and what they have described as "humanitarian" reasons. It is certainly convenient for France to have the use of that territory as a military base and to use it also for the projected installation of a powerful radio transmitter which will carry the voice of France. But the aspirations of the people of the territory should not be sacrificed for the convenience of the colonial Power.

260. In several communications which the Somali Government has addressed to the Committee of Twenty-four, attention has been drawn to the severe restrictions which have been placed on the political life of the inhabitants of this non-self-governing territory, and to the refusal of the French Government to apply to the territory the provisions of General Assembly resolution 1514 (XV). Having regard to the liberal policies which France has adapted to other parts of its former colonial empire, we find these aspects of the French Somaliland question most disturbing and most difficult to understand.

261. The Somali Government has already submitted its views on the matter in the form of a memorandum to the Committee of Twenty-four and this has been circulated to all Member States as document A/AC.109/121. It is not my intention to describe the contents of the memorandum, but it is sufficient to say that my Government believes that the people of French Somaliland should be given their right to self-determination, in accordance with their freely expressed wishes. My delegation is gratified to note that by the action of this General Assembly, in including French Somaliland under its schedule of non-self-governing territories to which General Assembly resolution 1514 (XV) is applicable, the General Assembly has affirmed that right.

262. It is the hope of my delegation that the Special Committee will now proceed to accord the question of French Somaliland the priority it deserves.

263. In conclusion, I would request that this statement be included in the verbatim records of the Assembly and that it be transmitted to the Special Committee for its attention.

264. The PRESIDENT (translated from French): I call on the representative of Australia, who has asked to speak in exercise of his right of reply.

265. Mr. McCARTHY (Australia): I will be brief, since I do not wish to enter into polemics with my distinguished and respected colleague from Tanzania. I do regret—and this is no term of reproach—that he was not here when I replied to his previous remarks. I understand that his official duties had taken him elsewhere. So that I am forced, not to recapitulate what I said before, but to make brief mention of one or two of the points to which I referred.

266. In doing so, I would say that in the Fourth Committee, some weeks ago, he referred to "so-called constitutional advances by Australia in New Guinea"—so-called constitutional advances. I have carefully explained here that those constitutional advances to which he applied the term "so-called"—and we all know the meaning of that term in the United Nations—were, in fact, a universal franchise, regardless of race, creed or colour, a common roll, and an elected indigenous majority. And if these are "so-called constitutional advances", then I think the term is being misused. Nor do I believe that the indigenous people of New Guinea would appreciate the application of the term "so-called constitutional advances" to the situation which is part of their rapidly developing political situation.

^{2/} Document A/5763, sect. I.

267. But the point I wish to make is that there we have what a very distinguished colleague has been demanding in Southern Rhodesia and other parts of Africa—with which he is justifiably concerned—as the universal panacea, the thing above all else which guarantees the ultimate freedom of the people. And there we have in these territories which he has been criticizing—and I say this in no polemical fashion—a force which you cannot turn back, as I said only the other day in the Fourth Committee [1588th meeting]. We have set in motion a force which cannot be turned back. We have given a voice to the people which cannot be stilled. We have given a voice to the people which can express whatever view they want to express, when they want to express it.

268. The representative of Tanzania did say that he was tired of what he called, I think, "empty expressions of sympathy" about the African situation. These are not empty expressions of sympathy. First of all, as I expressed them here, they are in themselves very sincerely meant.

269. Secondly, the proof of the pudding is in the eating. We are far from Africa—as Africa is far from us—but that does not mean that we are insensible to the problems of Africa. Of all the parliaments of the world, one of the first to take positive parliamentary action—indeed, virtually all the parliamentary action open to it—against the so-called rebel minority Government in Southern Rhodesia was the Australian Parliament. Within a matter of four or five days after the Unilateral Declaration of Independence, the Australian Parliament proclaimed its non-recognition of the rebel Government and took all other measures open to it at that time. It has since intensified those measures.

270. I would also say this—and I have referred to it in the past. In my country African people are welcome. There are many African people in my country at the present moment, and they are greatly respected. As I have said before, they are bringing much to us and we hope that they are taking something away with them.

271. The PRESIDENT (translated from French): I call on the representative of France, who has asked to exercise his right of reply.

272. Mr. GASCHIGNARD (France) (translated from French): In reply to the statement made by the representative of Somalia, I should like briefly to give the point of view of the French Government on the question of French Somaliland.

273. In the referendum held on 28 September 1958, with universal suffrage, in all the French départements and territories, the people of French Somaliland, by approving the constitution with a 75 per cent majority of those voting, expressed its will to remain within the French Community.

274. On 11 December 1958, the Territorial Assembly itself, which had been freely elected on the basis of universal suffrage, pronounced itself in favour of maintaining the status quo, that is, the status of the French Overseas Territories.

275. At the first of those consultations, on 28 September 1958, French Somaliland could have voted "no"

in the referendum on the Constitution and immediately become independent. In the vote on the following 11 December the Territorial Assembly could have chosen the status of a member State of the Community, as did other French territories in Africa south of the Sahara, which became independent two years later and are today sitting among us here.

276. But French Somaliland did not wish to do that. It preferred to follow a different path, that of integration with France. In other words, it exercised its right to self-determination and it determined its future under exactly the same conditions as the other French territories of Africa. Instead of choosing immediate independence, or autonomy followed by independence, it freely opted for the status which it already had, that of a territorial collectivity of the French Republic, of which it is henceforth an integral part.

277. In those circumstances, any challenging of the status of that territory seems to us to be in contradiction to the freely-expressed will of the people of French Somaliland, an interference in the internal affairs of a Member State, interference which is formally prohibited under Article 2, paragraph 7 of the Charter.

278. The PRESIDENT (translated from French): I call on the representative of Somalia, who has asked to exercise his right of reply.

279. Mr. ADAN (Somalia): I am sorry to have to come back to the rostrum at this late hour, but the reply just made by the representative of France leaves me no alternative.

280. The Somali Government was responsible for placing the issue of French Somaliland on the agenda of the Committee of Twenty-four, and, in view of the remarks made by the representative of France, it is necessary to explain the considerations which led my Government to take that step.

281. It will be recalled that the French Government had previously conceded that the territory of French Somaliland was non-self-governing within the meaning of Chapter XI of the Charter. However, in its letter of 23 March 1959^{3/} the French Government made the assertion that the territory was fully self-governing and had therefore ceased to be a territory for which France was responsible for transmitting information under Article 73 e of the Charter.

282. The constitutional change which the French Government elected to regard as having so radically transformed the status of that territory, and to which the representative of France has just referred, was the loi-cadre of 23 June 1956, followed in 1958 by the new Constitution for the French Community. The referendum of 1958, which was held under fictitious conditions and was rigged by the Government of France, changed nothing. The constitution remained that determined by the loi-cadre of 1956, and the referendum was carefully organized to ensure a result favourable to the Government of France. As an expression of the free will of the people of French Somaliland it was a cruel joke and a mockery.

^{3/} See Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 36, document A/4096.

283. Members will recall that at that time the discussions in the Fourth Committee revealed considerable opposition to the French position. Indeed, the representative of India, at the 981st meeting of the Fourth Committee, on 2 December 1959, made an exhaustive analysis of the provisions of the loi-cadre which demonstrated that the territory remained for all practical purposes a non-self-governing territory. The representatives of Czechoslovakia and Poland took the same view.

284. I do not wish to repeat all the arguments so ably presented on that occasion by the representative of India; they are on the record for all to read. But members will recall that, precisely because the General Assembly was becoming alive to the possibility that countries like Portugal and France were undertaking constitutional changes intended to eliminate the possibility of United Nations intervention, the General Assembly adopted resolution 1541 (XV) on 15 December 1960. That resolution contains an annex entitled "Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e of the Charter of the United Nations". Members have only to read those principles, and then to read any commentary on the effects of the loi-cadre of 23 June 1956, to reach the inescapable conclusion that French Somaliland remains a non-self-governing territory to which Article 73 e applies and which falls under the jurisdiction of the Committee of Twenty-four. The report of the Committee on that score was approved today by this Assembly.

285. The Somali Government submitted to the Committee of Twenty-four a memorandum on French Somaliland, of which the second section was entirely devoted to the present constitutional status of the territory. We demonstrated therein that the degree of autonomy granted to the territory was extremely limited; it did not, for example, extend to foreign relations, national defence, the judiciary, inspection of works, external communications, higher education, the treasury, foreign exchange and so forth. Indeed, the degree of internal autonomy is far less than that enjoyed in many of the British colonies which the United Kingdom has fully accepted as being covered by Article 73 e of the Charter.

286. The Somali Government supported its thesis by citing French authors on administrative and constitutional law. Small wonder, therefore, that the Somali Government felt confident that the Committee of Twenty-four would accept that thesis and reject the French argument of constitutional change as a sham. Small wonder, too, that the Conference of Non-Aligned States, meeting in Cairo in 1964, categorically reaffirmed that French Somaliland was fully covered by the famous Declaration on the Granting of Independence to Colonial Countries and Peoples, embodied in General Assembly resolution 1514 (XV) of 14 December 1960. I had the pleasure of referring to that only a short while ago.

287. The Somali Government therefore feels that the balance of opinion of States, and even of French jurists, is against the French Government. This is not a difficult matter of legal interpretation, but simply a matter of looking at the facts. Let me pose

a few questions to the French representative, who sought to deny the rights of the people of French Somaliland, and we shall see how convincing his answers are on the facts.

288. Does the French Government allege that the territory is not geographically separate, and distinct ethnically and/or culturally, from France? I pose the question in terms of Principle IV of the principles adopted by the Assembly in 1960 under resolution 1541 (XV). Does the French Government suggest that the territory is not "in a position or status of subordination" to France? I here use the terms of Principle V of the annex to that resolution. Does the French Government suggest that the present situation corresponds to the "free and voluntary choice by the peoples of the territory", in accordance with Principle VII?

289. The facts demonstrate exactly how absurd is this attempt to show French Somaliland as a fully self-governing territory. Are we really expected to believe that, merely by sending one Deputy and one Senator to Paris, these so-called French Somalis have been placed on a footing of equal partnership with France? Are we really expected to believe that all the people of the territory have a free and equal vote in elections? A comparison of the census figures and the electoral roll would make interesting reading. And what is the French Army doing, sitting there in strength in Djibouti? Are we to understand that these are really the so-called French Somalis, equipped with French uniforms and ready to defend their so-called autonomy against external aggression from a wicked Somalia?

290. My colleagues in this Assembly will, I trust, appreciate all too readily how absurd this picture is. We know that at the time of the referendum the people of the territory were suppressed, the Somali Prime Minister was exiled with his Cabinet, and the Legislative Assembly was dissolved, simply because they had the nerve to campaign against the position of the French Government which called for a "yes" to the referendum. Everybody knows this. History knows this.

291. Indeed, I am tempted to apologize for having wasted the time of this Assembly in demonstrating the obvious. However, I hope that the Assembly will have no difficulty in rejecting the contention of the French representative here.

292. I reserve my right to come back to this matter if it becomes necessary for me to do so.

293. The PRESIDENT (translated from French): I call on the representative of Tanzania, who has asked to exercise his right of reply.

294. Mr. MALECELA (United Republic of Tanzania): I, too, must start by apologizing to delegations for keeping them here. It was definitely not my intention to come to the rostrum. I had simply wished to explain my vote. But, now that the representative of Australia has found it necessary to reply, I find it necessary to reply to him.

295. On the first point, he said that my delegation had called the constitutional changes "so-called" constitutional changes. Indeed, we did, for the simple

reason that today, twenty years after those territories were made Trusteeship Territories, we are still told by Australia that it is making constitutional changes. We are really beginning to wonder whether those actually are constitutional changes or are only a means of trying to delay the independence of those countries.

296. On the second point, the representative of Australia said that his country was the first country to take measures against Smith. I want him to understand that, even before Smith declared his independence, Africa had already told the world that the measures taken by the United Kingdom Government—and Australia too—were not enough. Therefore, I want it to be understood that Tanzania does not credit Australia very much for having taken those steps.

297. My last point is that the representative of Australia seemed to make a point of the fact that they have some Africans being educated in Australia. I definitely admit that we have a number of students from Tanzania in Australia—and not only in Australia, but in other parts of the world. But I fail to connect the question of colonialism with the question of our students being in Australia. I do hope that the representative of Australia is not suggesting that Tanzania will support colonialism by Australia in New Guinea simply because we have a handful of students from Tanzania in Australia. It is our hope that, when our students go to other parts of the world, they go just to get an education, and then they come back to use it in their own countries. I want to assure the representative of Australia that we also have a number of Australian citizens in Tanzania. But we never try to make that an indication of anything apart from the friendly relations between Australia and Tanzania.

I therefore hope that the representative of Australia, too, will understand that our students are there because of the friendly relations between Australia and Tanzania. But at the same time I want him to understand that we are opposed to colonialism and to the continuation of Australia as an Administering Authority. On the day that Australia gives independence to New Guinea and the other Trust Territories, Tanzania will have no issue at all with Australia. But, as long as those territories are still under Australia, I am afraid that Tanzania will have to stand up now and again and oppose the fact that colonialism is being perpetrated by Australia.

298. Once again, I apologize to all the representatives for having taken the floor again. I hope it will not be necessary for me to come to the rostrum again, at least on this subject.

299. The PRESIDENT (translated from French): I call on the representative of France, who has asked to exercise his right of reply.

300. Mr. GASCHIGNARD (France) (translated from French): I shall be very brief, because I have no intention of entering into polemics with the representative of Somalia at this very late hour. But I should like, first of all, formally to deny his statements to the effect that the 1958 referendum and the elections which were held in French Somaliland were, if I understood him rightly, rigged and a cruel joke. In fact, as I said a little while ago, that referendum and those elections were organized under exactly the same conditions as in all other French overseas territories at the time and the results in those territories, the representatives of which are sitting with us today, are there to attest that the populations voted freely.

The meeting rose at 7.40 p.m.