

## 2170th meeting

Tuesday, 18 November 1975, at 3.15 p.m.

Chairman: Mrs. Famah JOKA-BANGURA (Sierra Leone).

A/C.4/SR.2170

### AGENDA ITEM 92

**United Nations Educational and Training Programme for Southern Africa** (*continued*) (A/10331, A/C.4/L.1107, A/C.4/L.1108)

#### CONSIDERATION OF DRAFT RESOLUTIONS

1. The CHAIRMAN drew the Committee's attention to the administrative and financial implications of draft resolution A/C.4/L.1107, contained in document A/C.4/L.1108.

2. Mr. RAE (Canada) said that the United Nations Educational and Training Programme for Southern Africa had been in operation for eight years. The number of fellowships that the Programme had awarded had grown from 454 in 1968 to 744 in 1971 and to 1,131 in 1973; it currently stood at 1,375. The participants in the Programme included young people from Angola, Cape Verde, Guinea-Bissau, Mozambique, Namibia, Sao Tome and Principe, South Africa and Southern Rhodesia. There were 35 States from all regions of the world making financial contributions to the Programme, totalling \$1.5 million, and another 20 States had offered assistance in kind, namely, scholarships for training in their own countries. The United Nations could be justly proud of that Programme, which, over the years, would be increasingly useful in preparing young people to play a full role in the society of their countries as they became independent or as majority rule was achieved. It should be remembered that at the previous session the General Assembly, in its resolution 3301 (XXIX), had requested the Advisory Committee on the United Nations Educational and Training Programme for Southern Africa, which was composed of representatives from Denmark, India, the United Republic of Tanzania, Venezuela, Zaire and Zambia, and chaired by himself to arrange, in consultation with the Secretary-General, for an evaluation of the Programme's achievements and the ways and means for its further development. As indicated in the relevant report of the Secretary-General (A/10331), that evaluation had been carried out in the course of the past year. He paid tribute to the work of the members of the Advisory Committee who had undertaken the evaluation.

3. The Secretary-General's report also indicated that, on the basis of the extensive consultations the evaluation group had held in Europe and Africa with Governments, students, specialized agencies, OAU, other scholarship-awarding agencies, UNDP resident representatives, liberation movements recognized by OAU, refugee counselling services and other consultative committees, the group had submitted a report to the Advisory Committee; the Advisory Committee had considered the document in question and had reached the conclusions outlined in paragraph 27 of the report.

4. He introduced draft resolution A/C.4/L.1107, and informed the Committee that France and Zaire had joined the sponsors. The draft resolution resembled those adopted in previous years and could be accepted unanimously at the current session. It endorsed the conclusions of the Advisory Committee and underlined in particular the conclusion that the Programme had been a significant and worth-while effort by the international community and that its continuation and expansion were desirable. To that end, it underlined the need for continuing and generous contributions. That did not mean that the Programme should continue indefinitely, but rather that, assuming even modest further growth, the costs of supporting some 1,375 students would currently require continuing efforts on the part of all Governments concerned.

5. Once again, the draft resolution included a provision for a transitional allocation from the regular budget of \$100,000 for the 1976 financial year. The preceding year, his delegation had expressed the hope that the Programme might be entirely self-supporting in 1975. However, events in southern Africa, namely, the recent independence of the former Portuguese Territories and developments in Southern Rhodesia and Namibia, had caused such pressure on the funds of the Programme that they had been exhausted. As a result, it was the Advisory Committee's opinion that it would be necessary to maintain the allocation for 1976, although it believed that the Programme would be entirely self-supporting in 1977.

### AGENDA ITEM 23

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items)** (*continued*) (A/10023 (parts I and II), A/10023/Add.4 and 5, A/10023/Add.6 (parts I and II), A/10023/Add.7, A/10023/Add.8 (parts I-III), A/10082, A/10091, A/10095, A/10097, A/10101-S/11707, A/10104, A/10175, A/10269, A/10300, A/10326-S/11862, A/10337-S/11872, A/C.4/786, A/C.4/787 and Add.1-4, A/C.4/789, A/C.4/795-800, A/C.4/L.1094, A/C.4/L.1096, A/C.4/L.1101-1103, A/C.4/L.1105, A/C.4/L.1106)

#### QUESTION OF MONTSERRAT: CONSIDERATION OF DRAFT RESOLUTIONS

6. Mr. JAIPAL (India), introducing draft resolution A/C.4/L.1105, said that in May 1975 he had led the United Nations Visiting Mission to Montserrat. The report of that Mission was reproduced as an annex to chapter XXVIII of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/10023/Add.8 (part II)). The members of the Mission had held two meetings in London with officials of

the administering Power, who had provided the clarifications requested, and in Montserrat they had held meetings with the Government, the Chief Minister, his ministerial colleagues and the officials in charge of various departments of the administration. They had also held meetings with technical experts in several fields and had visited schools, hospitals, construction sites, farms, industrial plants, etc. In addition, they had had a public meeting with the people of Montserrat, at which they had answered questions.

7. He drew particular attention to the conclusions and recommendations of the Mission (*ibid.*, annex, paras. 101-124). The Mission's first impression was that relations between the administering Power and the Government of Montserrat were excellent at all levels. Its second impression was that the British Government seemed ready to grant total independence to Montserrat at any time, depending upon the wishes of its people expressed in a manner of their own choosing. Its third impression was that the Government and people of Montserrat were acutely aware of the crucial state they had reached in their political evolution. Their ministers were pragmatic and realistic and took into account the limited natural resources of the Territory, as well as its small population, when examining the options available to them concerning their future. To them, economic decolonization was an important as political decolonization.

8. The Mission had made several recommendations designed to increase the extent of local autonomy in regard to the executive the legislature and budgetary control and to increase the level of external financial aid necessary for diversifying and expanding the Territory's economy. It was encouraging to note from the statement made by the representative of the administering Power at the 2166th meeting that the Montserrat Government had accepted the Mission's proposals for the development of the island. It was to be hoped that that would enable the Government to acquire land for agricultural development. As was clear from the report, the Mission attached great importance to the planning and utilization of the limited land available for farming and other purposes.

9. The Mission's assessment was that the future of Montserrat lay in the development of closer relations with its Caribbean neighbours. Montserrat should acquire the degree of regional interdependence which, on the one hand, would ensure its economic liability and, on the other hand, inspire the people to move towards the goal of their natural aspiration, which was political independence.

10. After announcing that the Congo, Egypt and Guinea had joined the sponsors of the draft resolution, he drew special attention to paragraphs 3, 4 and 5 of the draft and expressed the hope that it would be adopted unanimously.

11. Mr. BACHROUCH (Tunisia), speaking as a member of the Visiting Mission to Montserrat, expressed appreciation to the Government of Montserrat for the hospitality accorded the Mission and to the United Kingdom for its co-operation and assistance. He also paid tribute to the representative of India, who had been the Chairman of the Mission, for his conduct of its work. He hoped that draft resolution A/C.4/L.1105 would be approved unanimously.

#### QUESTION OF THE GILBERT ISLANDS: CONSIDERATION OF DRAFT RESOLUTIONS

12. Mr. CONTEH (Sierra Leone) introduced draft resolution A/C.4/L.1106 and said that Chile, the Congo, Egypt and Guinea should be added to the list of sponsors.

13. The United Nations Visiting Mission, headed by the current Chairman of the Committee, which had visited the Gilbert Islands, had made a careful study of the situation and had made valuable recommendations as to its future. In that connexion, he drew attention to the importance of the relevant conclusions and recommendations of the Special Committee, contained in chapter XXI of its report (A/10023/Add.7). A striking feature of the draft resolution was that it pertained only to the Gilbert Islands, and not to the Ellice Islands, because of the referendum held the previous year, in which the people of the Ellice Islands had opted for separate administration. He commended the fact that the separation had been carried out without incident. The Territory of the Gilbert Islands was to a large extent self-governing and therefore qualified for a separate draft resolution.

14. Referring to paragraph 4 of draft resolution A/C.4/L.1106, he said that the sponsors hoped that, in view of the Territory's lack of adequate natural resources, the specialized agencies and other bodies within the United Nations system such as UNDP, UNESCO, WHO and FAO, to name a few, could continue rendering assistance to the Territory at the request of the administering Power. Since the draft resolution contained nothing controversial, the sponsors sincerely hoped that the Committee would adopt it without a vote.

#### QUESTION OF BRUNEI: CONSIDERATION OF DRAFT RESOLUTIONS (*continued*)\*

15. The CHAIRMAN announced that the Congo and the Philippines had become sponsors of draft resolution A/C.4/L.1103.

16. Mr. RICHARDSON (United Kingdom) said that his Government's position had always been that Brunei was a sovereign State, which, despite contentions to the contrary, was not and never had been a colony of the United Kingdom. Brunei had freely chosen to maintain a treaty relationship with the United Kingdom for more than 100 years. All the agreements concluded with the United Kingdom during that period had been voluntarily entered into by Brunei. Throughout that time, responsibility for the internal affairs of Brunei had lain solely with the Government of Brunei. With the conclusion of the Brunei Agreement of 23 November 1971, details of which had been furnished in a note verbale dated 18 September 1972, addressed to the Secretary-General,<sup>1</sup> the United Kingdom had surrendered such advisory functions in relation to the internal affairs of Brunei as had been conferred on it under previous agreements. Thus, the United Kingdom was not, and never had been, the administering Power of Brunei. The political development of Brunei was an entirely internal matter, in which the United Kingdom had no responsi-

\* Resumed from the 2168th meeting.

<sup>1</sup> A/8827.

bilities and no powers. The responsibilities of the United Kingdom Government were confined to the conduct of Brunei in the event of external attack or threat of such attack.

17. For those reasons, his Government could not take the action demanded of it in draft resolution A/C.4/L.1103, particularly that called for in paragraph 3 of the draft. Chapter XI of the Charter of the United Nations was not applicable to Brunei and, accordingly, the United Kingdom Government could not act upon a draft resolution of the Committee dealing with the internal affairs of Brunei.

18. His delegation nevertheless remained ready to continue consultations on the question of Brunei with the Chairman of the Special Committee. His Government would continue to co-operate closely with the Special Committee and the Fourth Committee on all questions relating to the Non-Self-Governing Territories for which the United Kingdom was still responsible as the administering Power.

19. Miss SEET (Singapore) said that the legal status of the Sultanate of Brunei and its relationship with the United Kingdom were questions on which there was no agreement. The Government of the United Kingdom and the Sultan of Brunei maintained that the Sultanate already enjoyed full internal self-government and that it was therefore not a colony and the United Kingdom was not its administering Power. The position of the United Kingdom had been set out in a note verbale dated 26 September 1975 from the representative of the United Kingdom addressed to the Secretary-General (A/10269).

20. In October 1975 the Sultan, in a speech to his people to celebrate the end of Ramadan, had reminded his subjects that the State of Brunei enjoyed full self-government but had a treaty relationship with the Government of the United Kingdom, whereby the latter had responsibility in the field of foreign affairs and shared responsibility in the field of defence.

21. No doubt the prevailing view in the Committee was that, notwithstanding the 1971 Agreement between the United Kingdom and the Sultan of Brunei, Brunei was a colony and the United Kingdom its administering Power. The Government of Malaysia shared that view, as could be seen from the statement made in the Committee at the 2167th meeting by the representative of Malaysia.

22. The view of the Singapore Government on the question of Brunei was similar to the view expressed by the Chairman of the Committee at the 2133rd meeting. Referring to the question of small Territories and the search for solutions to their problems, the Chairman of the Committee had said that maximum advantage should be taken of the co-operation, initiative and good offices of neighbouring Member States on a regional basis, and that should such efforts prove successful, complementary action could readily be taken within the framework of the United Nations.

23. She felt that the Chairman had correctly stressed the importance that should be attached to the co-operation, initiative and good offices of neighbouring States and that the United Nations role should be a complementary one.

24. In that connexion, she recalled that Singapore was a very close neighbour of Brunei, with which it had very good relations. It also had excellent relations with the Governments of Malaysia and the United Kingdom and accordingly it wished to maintain a position that would enable it, if called upon by all parties concerned, to play a helpful role in the evolution of the Sultanate of Brunei towards full independence.

25. For these reasons, her delegation would not participate in the vote on draft resolution A/C.4/L.1103.

26. Mr. VON UTHMANN (Federal Republic of Germany) said that his delegation could not accept a consensus on draft resolution A/C.4/L.1103, as requested by the representative of Malaysia at the 2167th meeting. He therefore proposed that the Committee should take a recorded vote on it.

27. The CHAIRMAN said that if there was no objection she would put draft resolution A/C.4/L.1103 to a vote.

*At the request of the representative of the Federal Republic of Germany, a recorded vote was taken on draft resolution A/C.4/L.1103.*

*In favour:* Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Chad, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, El Salvador, Ethiopia, Finland, Gabon, German Democratic Republic, Greece, Guatemala, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Laos, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mauritania, Mexico, Mongolia, Mozambique, Nepal, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

*Against:* None.

*Abstaining:* Belgium, Burma, Canada, Denmark, France, Germany (Federal Republic of), Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Sweden, United States of America.

*Draft resolution A/C.4/L.1103 was adopted by 88 votes to none, with 14 abstentions.*

28. Mr. NAGAI (Japan), speaking in explanation of vote, said that he had abstained because he had received no instructions from his Government. He had intended to request postponement of the voting until the following meeting but had not had the opportunity to do so. In the future work of the Committee, it would be well if the exact date of votes were announced, at least at the previous meeting, so that all delegations could vote pursuant to instructions from their Governments.

QUESTION OF SPANISH SAHARA: GENERAL DEBATE  
(continued);\* AND QUESTION OF GIBRALTAR

29. Mr. DE PINIES (Spain)\*\* said that, in accordance with his Government's instructions, he wished to state Spain's position on the question of the decolonization of the Western Sahara.

30. At the preceding session (2117th, 2125th, 2126th and 2130th meetings), he had had occasion to explain in detail to the Committee the line followed by Spain in the process of decolonizing Sahara.

31. At that time, when Spain was hoping that that process would shortly be concluded, he had referred briefly to the most important events that had taken place since the preceding session of the General Assembly so that the Committee might clearly understand how matters then stood. He would remind members of the Committee that the process of decolonizing the Sahara was to be terminated in 1975 in accordance with the declaration made by the Spanish Government on 20 August 1974<sup>2</sup> announcing that the referendum recommended by the General Assembly would be held under the auspices of and supervised by the United Nations, during the first six months of 1975.

32. For reasons that were perfectly well known, the General Assembly had adopted resolution 3292 (XXIX), whereby, in order to obtain additional views, it had decided to request the International Court of Justice, without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV) and the relevant resolutions relating to the Territory, to give an advisory opinion on certain historico-legal aspects of the question.

33. It had also decided to send a visiting mission to the Sahara in compliance with the invitation extended by the Spanish Government in the Fourth Committee on 4 December 1974.

34. Furthermore, the General Assembly had urged the administering Power to postpone the announced referendum until the General Assembly decided on the policy to be implemented in order to accelerate the decolonization process in the Territory in accordance with resolution 1514 (XV), in the best possible conditions, in the light of the advisory opinion of the International Court of Justice.

35. Spain had agreed to postpone the referendum. It had taken part in the consultative proceedings before the International Court of Justice and in May 1975 had received a Visiting Mission in the Territory.

36. Meantime, and as a result of the postponement of the referendum, a series of incidents had occurred which had endangered peace and security in the Territory. He had kept the Secretary-General duly informed of those events.

37. When on 23 May 1975 the Spanish Government, in a letter addressed to the Secretary-General (A/10095), had informed the Organization that it felt itself obliged to end its presence in the Territory, it had done so because it believed that it had completed its work as administering Power and that the events that had occurred and the delay imposed by the General Assembly in its resolution 3292 (XXIX) were an excessive burden. Nevertheless, in order to avoid a power vacuum, the Spanish Government had continued to exercise its responsibility as administering Power. At the same time, so that its responsibility should not become unduly heavy, it had invited representatives of the parties concerned and interested to a conference, with the object of involving them in the decolonization process. It had not been possible to hold the conference convened by the Spanish Government; neither had it been possible to hold any conference under the auspices of the Secretary-General.

38. On the other hand, the Spanish Government had requested the Secretary-General to send a personal representative or observers to the Territory, likewise without results.

39. He could not conceal from the Committee the fact that the state of tension already existing had reached a climax with the announcement of the Moroccan march on the Sahara and had necessitated the meeting of the Security Council from 20 October onwards. As was known, the Security Council had adopted three resolutions on the subject—resolutions 377 (1975), 379 (1975) and 380 (1975).

40. Those meetings had been too recent to make it necessary to remind the Committee about what had happened at them. In any case, it was only fair to acknowledge that the Security Council had acted with due speed in holding the meetings and that the Secretary-General had also acted rapidly in visiting the countries bordering on the Territory and Spain. Nevertheless, it was no secret that, notwithstanding the adoption of the aforementioned Security Council resolutions, the Moroccan march had not been halted. It had violated the frontier of the territory and penetrated about 12 kilometres. What could Spain do under those circumstances? On the one hand, the Security Council itself had recommended in its resolution 380 (1975) that the dispute should be settled by negotiation under Article 33 of the Charter. There had been no other alternatives but to offer armed resistance to the Moroccan march in order to prevent the incursion or to resort to the peaceful procedure recommended in that resolution. The Security Council could well have acted in a different manner and have required the withdrawal of the Moroccan march from the Sahara by another procedure, but Spain had clearly been obliged to act in the way the Security Council had indicated: by negotiation.

41. Consequently, in order to negotiate, the Spanish Government had called for a withdrawal of the marchers and in that connexion had sent one of its members to see His Majesty King Hassan, indicating that there was no question of starting conversations unless the Moroccan marchers recrossed the frontier, but that when that had happened, there would be no alternative to negotiation. In that connexion it should be pointed out that, as a result of

\* Resumed from the 2168th meeting.

\*\* The statement by the representative of Spain and all subsequent statements on the question of Spanish Sahara made at this meeting are reproduced *in extenso* in accordance with the decision taken by the Committee at its 2168th meeting.

2 A/9714.

negotiations, a declaration of principles had been agreed upon between Mauritania, Morocco and Spain, confirming the latter's repeatedly expressed wish to decolonize the Western Sahara rapidly, thus ending Spain's responsibilities as administering Power. A temporary administration would immediately be set up in the Territory, in which Mauritania and Morocco would participate in co-operation with the *Jema'a*, or General Assembly of the Sahara. Two Deputy Governors, proposed by Mauritania and Morocco respectively, would be designated to help the Governor-General of the Territory to perform his duties. The Spanish presence in the Territory was to end by 18 February 1976. The same declaration stated that the views of the people of Western Sahara, expressed through the *Jema'a*, would be respected. Those were the most important points in the declaration of principles to which the Spanish Government had conditionally subscribed.

42. Lastly, he wished to make it clear that the three countries that had participated in the declaration and had come to the conclusions to which he had just referred had done so in the highest spirit of understanding, fraternity and respect for the principles of the United Nations Charter and as the best contribution to the maintenance of international peace and security.

43. He was sure that the Committee realized the importance of the declaration of principles. It would note that a temporary administration had been set up, which had made it possible to avoid all reference to problems of sovereignty and the final destiny of the Territory. The principles of the Charter concerning self-determination of peoples and the principles applicable to Non-Self-Governing Territories were consequently still valid, as were the General Assembly resolutions on the Western Sahara, an aspect of the question that was also safeguarded by the above-mentioned decisions of the Security Council.

44. The declaration of principles was the result of negotiations carried out in accordance with Article 33 of the Charter in order to eliminate the friction that had been created. In any case, the Committee should remember that from 1961 onwards, when he himself had made a statement in the Committee on Information from Non-Self-Governing Territories, in which he had classified Spanish Sahara as such a Territory, until the present time, the Spanish delegation had continuously co-operated with the United Nations in the process of decolonizing the Territories that Spain had administered and those, like the Sahara, that were still under its administration.

45. The Committee had never lacked co-operation from the Spanish delegation and Government. By its statement at the current meeting, Spain wished, as in the past, to contribute to the consideration of the situation of that Territory. His delegation hoped that the Committee was aware of his Government's firm decision to put an end to the colonial period in the Western Sahara. To achieve that aim, it was having recourse to the Committee and was ready to listen to the opinions of other delegations on that important question.

46. The problem of the Sahara was not the only question relating to decolonization that directly affected Spain, because the question of Gibraltar, a colonial enclave

maintained inside Spanish territory, was still unresolved, affecting Spain's territorial integrity with the continuation of that anachronistic vestige of colonialism.

47. The General Assembly, in its resolution 3286 (XXIX), which had been unanimously adopted at the previous session, had urged the Governments of the United Kingdom and Spain to begin without delay the negotiations envisaged under the terms of the consensus adopted on 14 December 1973.<sup>3</sup> During the past year, the Spanish Government had done everything possible to further the holding of those negotiations, the object of which could be nothing other than the decolonization of the territory in accordance with the principle established by the United Nations in implementation of paragraph 6 of General Assembly resolution 1514 (XV), which confirmed the principle of territorial integrity.

48. However, Spain had not so far seen any willingness to negotiate on the United Kingdom's part, because, in various conversations at different levels, United Kingdom representatives had appeared prepared to discuss aspects connected only with the life of the colony, especially what they called Spanish "restrictions", which were nothing other than the implementation of the clauses of the Treaty of Utrecht signed by the United Kingdom and Spain in 1713, after the occupation of the Territory and the establishment of the military base there.

49. In chapter XV of its report (see A/10023/Add.6 (part I)) the Special Committee had examined the question of Gibraltar in the light of the relevant resolutions and the working document prepared by the Secretariat. The Special Committee had decided to submit that material to the General Assembly in order that the Fourth Committee could consider the item and continue its studies in accordance with the instructions of the General Assembly.

50. Spain sincerely wished and hoped that in 1976 it might be possible to conduct the negotiations so repeatedly advocated by the United Nations and so ardently desired by all Spaniards, in order to bring about a final solution to a problem that was a serious and painful one for Spain, the continuation of which was a spot on the brilliant record of the United Nations in decolonization. Agreement between the Governments of the United Kingdom and Spain could make a valuable contribution to the ideal of decolonization and at the same time to peace, security and friendly relations between peoples, which constituted the permanent, fundamental ideas of the Organization.

51. His delegation reserved the right to speak again on that item if it considered it necessary.

52. Mr. RAHAL (Algeria) expressed his delegation's satisfaction that Mrs. Joka-Bangura was presiding over the work of the Committee at a time when it was beginning its debate on the Sahara under Spanish domination. As a child of the African continent who was deeply involved in all problems of decolonization on the African continent and whose country was in the vanguard of the struggles of the

<sup>3</sup> See *Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 30*, p. 111.



African peoples, she would be sure to take a great interest in the Committee's debates and to preside over them with care.

53. The question of the Sahara under Spanish domination, with which the Fourth Committee had become well acquainted, having considered it over a period of more than 10 years, had in the past few weeks entered a critical and particularly dangerous phase. Unilateral initiatives had been taken, which had created a climate of tension in the region and might well confront the international community with a *fait accompli*, a situation that would be entirely unacceptable, since it could only introduce an additional element of complexity into a problem that was already sensitive enough.

54. As everyone knew, the situation had obliged the Security Council to hold several meetings in October and November, during which the seriousness of the threats to peace and security in that part of the world had been recognized and resolutions had been adopted requesting the immediate termination of the unilateral measures that had given rise to them.

55. The Security Council had, however, been unable, either in its debates or in its resolutions, to deal in any way with the substance of the problem of Western Sahara, which was and continued to be within the exclusive competence of the General Assembly, and therefore of the Fourth Committee. The Security Council had made that clear in all the resolutions it had adopted on the question, in order to avoid any confusion, involuntary or intentional, about the competence of the two main United Nations organs.

56. In those dramatic circumstances and while tension in the region persisted, the Fourth Committee was undertaking consideration of the question of the Sahara. He did not believe that it was necessary to set forth at great length the various aspects of the problem or to explain Algeria's consistent position concerning its solution. It was enough to say that for 10 years the General Assembly had assumed the responsibility of ensuring the right of the people of the Sahara to self-determination. All the resolutions that had been adopted had constantly reaffirmed the right of the people of the Sahara to self-determination and had repeatedly requested the administering Power, namely Spain, in consultation with Morocco, Mauritania and Algeria, which was referred to as an "interested party", to hold as soon as possible a referendum to enable the people to exercise self-determination.

57. The General Assembly's views on the Sahara had thus been fully defined and had been repeated each year in almost identical terms. Those views were that, since the Sahara was a Non-Self-Governing Territory, within the meaning of Chapter XI of the Charter, it was the responsibility of the General Assembly to guarantee the rights of its population; that the administering Power was responsible to the General Assembly for leading the population towards independence through the exercise of its right of self-determination; that the future of the Territory must be decided freely by the population itself within the framework of its right of self-determination; and that the population should express its wishes concerning its

future through a referendum held by the administering Power in consultation with Morocco, Mauritania and Algeria, under the supervision and with the guarantee of the United Nations.

58. During the twenty-ninth session of the General Assembly there had been some new developments. First, the Spanish Government had informed the General Assembly that it had finally decided to hold a referendum to enable the people to exercise self-determination during the first half of 1975 and, secondly, the Governments of Morocco and Mauritania, without questioning the basic responsibility of the General Assembly concerning the right to self-determination of the people of the Sahara, had indicated that they had claims on the Territory of the Sahara and they had therefore asked the General Assembly to request an advisory opinion from the International Court of Justice.

59. During the debate, various delegations had expressed the fear that that procedure would lead to an unnecessary delay in solving the problem, at a time when it was finally possible to allow the population of the Sahara to exercise its right to self-determination. The General Assembly, however, had acceded to the request of Morocco and Mauritania, evidently concerned that the decolonization of the Territory should be carried out with clarity and calm.

60. General Assembly resolution 3292 (XXIX), while requesting an advisory opinion from the International Court of Justice, had explicitly reaffirmed the right of the population of Spanish Sahara to self-determination in accordance with General Assembly resolution 1514 (XV); had stated that the matter was being referred to the Court without prejudice to the application of the principles embodied in resolution 1514 (XV); and had requested the Special Committee to send a visiting mission to the Territory and to report thereon to the General Assembly at its thirtieth session. That meant that the General Assembly, while agreeing to a temporary exception to its traditional attitude, had sought to reaffirm as clearly as possible its position concerning the process of decolonization of the Sahara.

61. The General Assembly currently possessed better means than ever before of concluding that process, since it had before it documents of outstanding value, which cast new light on any objection which could delay the implementation of prior decisions. Those documents were the report of the Visiting Mission (*ibid.*, annex) and the advisory opinion of the International Court of Justice delivered on 16 October 1975 (see A/10300). Both treated all the claims that had opposed self-determination for the people of the Sahara as they deserved, and left no more room for ambiguity concerning the path to be followed in decolonizing the Territory.

62. According to its advisory opinion,

"the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus, the Court has not found legal ties of such a nature as might affect the application of resolution

1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory." (*Ibid.*, para. 162.)

63. Moreover, the report of the Visiting Mission contained the following conclusion, subsequently adopted by the Special Committee:

"Within the Territory, the Mission noted that the population, or at least almost all those persons encountered by the Mission, was categorically for independence and against the territorial claims of Morocco and Mauritania. The population expressed the wish that the United Nations, OAU and LAS should help it to obtain and preserve its independence. The population showed, by its demonstrations and statements, that it supported the objectives of the Frente POLISARIO [Frente Popular para la Liberación de Saguia el Hamra y de Río de Oro] and PUNS [Partido de la Unión Nacional Saharaui] favourable to the independence of the Territory." (See A/10023/Add.5, para. 11.)

64. Thus, the conclusions of the International Court of Justice, like those of the Visiting Mission, had confirmed the justice of the position consistently taken by the General Assembly with regard to the decolonization of the Sahara and the rights of its population. Petitioners from various political or liberation movements had succeeded in obtaining a hearing in the Fourth Committee. Whatever their statements might be, the opinions they expressed would help to show that the Saharan people were well able to analyse their situation politically, define their aspirations and determine their future. Consequently, they were capable of exercising in a responsible manner their right to self-determination; they knew what they were being offered; they were better placed than anyone else to determine their choices, provided they were guaranteed their freedom of expression.

65. At a time when all the elements necessary to enable the General Assembly to solve the problem of the Sahara once and for all, on the basis of principles it had agreed and reaffirmed on numerous occasions, appeared to be present, there had been an attempt to invade the Territory of the Sahara by force. As he had already pointed out, the Security Council had had to deal with that act, which had so endangered the peace and security of the entire region.

66. However, a few days earlier, there had been talk of an agreement concluded between Spain, Morocco and Mauritania. The existence of that agreement had just been confirmed by the representative of Spain, who had made known its main provisions. Although the exact terms had not officially been made public, it was obvious that the agreement was purely and simply a surrender by Spain of the territory of the Sahara to Morocco and Mauritania, by means of certain arrangements, particularly economic and strategic ones, under which certain Spanish interests were upheld side by side with Moroccan and Mauritanian interests.

67. On behalf of the Government of Algeria, he wished to warn the Committee against any solution elaborated outside the United Nations and in violation of its decisions,

particularly when such a solution allowed Spain to negotiate on the strength of a sovereignty to which it was not entitled and enabled Morocco and Mauritania to satisfy claims the validity of which had been first contested by Spain and afterwards rejected by the International Court of Justice.

68. He would certainly have an opportunity of considering in greater detail the agreement whose existence the representative of Spain had just announced to the Committee. However, he wished to say forthwith that the tripartite process that had led to such a solution constituted a repudiation on the part of the Spanish Government of the solemn commitments it had entered into with regard to the people of the Sahara and also a denial on the part of the Governments of Morocco and Mauritania of the obligations they had freely accepted in adhering to all the resolutions adopted by the General Assembly over the last 10 years. As they stood, the provisions agreed by those three Governments, which formed such a major part of their national interests, completely overlooked the existence of a population in the Territory and its aspirations. No one could be mistaken about the intentions proclaimed in the statement by the representative of Spain; they were clearly intended to turn self-determination into a parody as unacceptable in its concept as it was indefensible in its form.

69. The General Assembly could not disregard the fact that it was the guarantor of the rights and interests of the people of the Sahara. It could not reverse the position it had upheld for 10 years with regard to Western Sahara and at all times with regard to the peoples under colonial domination. Finally, it could not abdicate its responsibilities with respect to the countries and peoples for whose destiny it was responsible.

70. The question of Western Sahara was included in the agenda of the current session. The General Assembly must find a solution to it, by determining, supervising and guaranteeing the process by which the Saharans would exercise their right to self-determination.

71. The Government of Algeria had always worked within the context of the United Nations; it had been associated with all the decisions of the General Assembly and, consequently, would refuse to ratify any solution reached outside the United Nations and would protest against any bilateral or trilateral solution concluded in violation of United Nations decisions.

72. His delegation felt that it should make known forthwith its Government's position on the problem of the Sahara. Accordingly, it reserved the right to speak again in the debate, if it deemed necessary, and in particular, if proposals formulated in the Committee would have the effect of deflecting the General Assembly from the path it had chosen in order to bring about the decolonization of the Sahara.

#### QUESTION OF SPANISH SAHARA: HEARING OF PETITIONERS

73. The CHAIRMAN reminded the Committee that it had agreed, at its 2168th meeting, to grant the requests for hearings (A/C.4/787 and Add.14) received from liberation

movements in Spanish Sahara. She accordingly invited the representatives of those movements to address the Committee.

*At the invitation of the Chairman, Mr. Amin Bachir, Secretary-General of the Frente Popular para la Liberación de Saguia el Hamra y de Río de Oro (Frente POLISARIO), Mr. Douihi Mohamed Rachid, representative of the Front de libération et de l'unité (FLU) and Mr. Edouard Moha, President of the Premier mouvement de lutte contre l'occupation espagnole du Sahara (MOREHOB), took places at the Committee table.*

74. Mr. BACHIR (Frente Popular para la Liberación de Saguia el Hamra y de Río de Oro) expressed the deep gratitude of his people and the leaders of the Frente POLISARIO that the delegation representing them had been permitted to attend the Committee's deliberations on the question of the Sahara, a matter which was of interest above all to the Saharan people, who were the ones who must make the decisions.

75. He also expressed his appreciation of the fact that the delegation of the Saharan people had been permitted the honour of speaking from that lofty rostrum, from which it had hoped for some time to state its position.

76. Not only was it an honour for his delegation; it also made it confident that the Saharan people were the object of the concern of the representatives of the international community, which unquestionably would take historic decisions for the benefit of those people.

77. Now, as always, the Saharan people were aware of the special importance that the United Nations and its Members attached to their cause and their destiny.

78. The presence in the Committee of a delegation of the Frente POLISARIO, which was the authentic representative of the Saharan people, was an expression of the hope those people had always placed in the Organization, particularly with regard to matters concerning the homeland and people of the Sahara.

79. For many years, the United Nations, in keeping with its principles, had demonstrated its solidarity with the Saharan people, who were waging a well-founded struggle for independence. That solidarity encouraged the Saharan people during the current difficult period of their lives, when their home was being threatened from all sides owing to the weakness of Spain, the colonial Power.

80. Spanish colonialism had thwarted the independence of the Saharan people in that part of the African continent since the beginning of their struggle in defence of the right to independence and freedom. Spain had attempted to annex the Saharan homeland to Spanish national territory; it had continuously colonized the Sahara with Spanish citizens and had systematically expelled anyone suspected of nationalism in a land usurped by colonialism a century earlier; on top of all that, illness, ignorance and poverty were rampant in the country.

81. Despite the fact that the United Nations, OAU and the group of non-aligned countries had over the years adopted

many resolutions calling on Spain to withdraw immediately from the Sahara and reaffirming their support for the principle of the self-determination and independence of the people of that region pursuant to General Assembly resolution 1514 (XV), Spain had ignored those accepted appeals and resolutions and had maintained its illegal military presence in a land that was African to its very marrow, and had reinforced that presence through all types of control: economic, military and cultural. In addition, a war of starvation was being waged and prisons had been filled for years with nationalists who had defended and were continuing to defend the right of the Saharan people to a life of freedom in the Territory that was their homeland. That aggression had culminated in the massacres of 17 June 1970, which the General Assembly had condemned in its resolution 2711 (XXV) of 14 December 1970. The massacres had precipitated the outbreak of the military struggle of the Saharan masses under the direction of the Frente POLISARIO on 20 May 1973, only 10 days after the establishment of the Frente.

82. That date had marked the beginning of a new phase in the struggle that the Saharan people had been waging for years and had been a proclamation announcing the end of the colonial presence in that valuable piece of land in the African continent and the Arab homeland. The ill-used Saharan people had erupted in a fierce desire for freedom and independence, which it had defended with the few resources left to it after successive years of drought, determined to recover its legitimate right to independence in accordance with the principles of self-determination and independence, principles which the United Nations had endorsed, just as it had recognized the right of the Saharan people to enjoy them. The Saharan people had embraced those principles and given them genuine meaning in the struggle on which it had embarked at that time and which was still continuing. Earlier, other peoples throughout the world had also embraced those principles, which derived from the Charter of the United Nations. The Charter explicitly recognized the right of peoples to determine their own destiny, just as it recognized the equality of all peoples; the United Nations Charter had been capped by General Assembly resolution 1514 (XV), which could be called an abridged charter, complementary to the Charter of the Organization.

83. The Saharan people had awakened to a colonial presence whose existence would disturb the heart of anyone yearning for peace, justice and a thriving life for a people that was striving for a better future after having lost all hope of finding peaceful political solutions and after the failure of every peaceful means it had tried. The Saharan people, using peaceful means, had repeatedly requested the Spanish colonialists to terminate their illegal presence, but had come to despair of the effectiveness and utility of those means. All international, continental or regional resolutions remained dead letters for Spain, which implemented only those that suited it.

84. Such was the situation that had led the people to choose the path of armed combat, in order to give colonialism a taste of its own medicine. The purpose of the armed struggle had been to win the right to freedom and independence, which had been denied the people of the Sahara and the other peoples of the continent. That



purpose would continue to be the highest aspiration of the Frente POLISARIO, even if European-Spanish colonialism was converted into African colonialism, even if an attempt was made to conceal that colonialism through propaganda, and no matter what form it took.

85. After years of heroic struggle, after the martyrdom of many Saharans and after the series of losses suffered by Spain, which had been one of the main reasons—along with growing popular discontent—that had forced that country to open its eyes to reality and acknowledge the illegality of its presence in that region, certain African elements had unfortunately demonstrated that they planned to usurp the Saharan homeland and exterminate its people. The conflict in the Sahara between the Saharan people and the Spanish invaders had thus been transformed into a conflict among brothers, who should have united in a common endeavour and supported with every means the people who had taken up weapons in order to compel the forces of colonialism to give up an opportunity which, in fact, was being handed to them on a platter by these very brothers. The struggle had obliged Spain to retreat from its policy in the Sahara and announce that it was prepared to withdraw from the region, after having turned its back on all the resolutions of the United Nations and after the failure of its attempts to annex the Territory. A question immediately arose, and its answer should be a logical one. Did those who were claiming Saharan land imagine that its people had struggled for independence only to make a gift of the fruits of that struggle to their neighbours? His delegation was certain that its “brothers” of Morocco and Mauritania, if they were in touch with reality, were not expecting such an absurd claim to be satisfied, particularly if it was borne in mind that Morocco had never been prepared to fight against Spain’s presence in the Sahara. That was precisely what His Majesty, King Hassan II, had proclaimed in various speeches, culminating in his statement on Thursday, 6 November 1975. If the legitimate struggle of the Saharan people had been the determining factor in Spain’s change of policy, it would not be logical for those people, after their successful conquest and other achievements and the imposition of their legitimate right to an independent life, and after regaining their national sovereignty, to offer all that they had won on a silver platter to any other group, whatever it might be.

86. He did not intend to deal once again with what was customarily referred to as relations of sovereignty or historic relations, because that subject had been exhaustively discussed in numerous historical studies, its history had been falsified to a great extent and the International Court of Justice had reviewed the question and had given its advisory opinion of 16 October 1975 (see A/10300). That opinion had been pronounced in the enforced absence of the Saharan people and their “brothers”. Despite the voluminous documents that had inundated various capitals and the press campaign waged in them, it had not been possible to prove any historic relation of sovereignty over the land of the Saharan people, nor would it be possible to do so, for the truth prevailed throughout the centuries, while the lie could never be sustained, no matter how much guile and how much cunning were employed. The Saharan people had not had relations of any kind with any neighbouring authority, be it Morocco, Mauritania or Algeria, and clear proof of that was given in the advisory

opinion of the Court. Those people would never forget the wisdom demonstrated by the Court’s judges in that case, a case which had been brought before it by the neighbouring “brothers” from the north and the south, who were now reaping the fruits of the lie on which they had based their expansionist policy. A natural question then arose. If, during the Spanish colonial presence in the Sahara, the Saharan people’s “brothers” of Morocco and Mauritania had been independent and had constituted two States enjoying national sovereignty, if each of them had exercised sovereignty over the Sahara—a sovereignty which apparently had been uninterrupted—and if those who had exercised authority on one side, or if the princes who had exercised it on the other side, had had any influence in that region, why had they not taken action at the time? Why had they not deterred the invader’s attack against a land over which they claimed to have authority?

87. Morocco had not become a protectorate until 1912, 28 years from the beginning of Spain’s colonial presence in the Sahara. During those intervening years, Morocco could have taken action, or could at least have claimed that the Sahara was Moroccan, as the Saharan people’s “brothers” of Morocco maintained. Mauritania, which voiced the same claims and used the same illogical logic in the same way, had been colonized only in 1906. The same question he had posed with regard to Morocco could also apply to Mauritania.

88. It had been demonstrated that the land of the Sahara had never been owned by anyone but its own people. Spain knew that very well, as did the leaders of Morocco and Mauritania, although they claimed to ignore that fact because they coveted that land and everything in it. The Frente POLISARIO accepted no definition of sovereignty except that sovereignty was an indivisible whole, and it was convinced that the Committee had the same understanding. Both Morocco and Mauritania had claimed sovereignty over the entire Sahara and had therefore agreed to divide the land and its people as if they were a flock of sheep. Undoubtedly, no representative would allow his country to be divided into two parts and its people into two halves, between two factions, whatever they might be. Those pretensions were hidden under the slogan of a community of rights, although it would be more fitting to use the appropriate name, “a community of interests”, which reflected hidden intentions to usurp the land of the Saharan people before they attained their independence.

89. The Sahara was a wealthy land; that was the real reason behind the claims to it. However, that did not prevent a climate of brotherhood and determined co-operation between the Saharan people, who were the masters of their own homeland, and the brother nations which surrounded it. All those peoples, being brothers, should find the most appropriate forms of political, economic and cultural co-operation in a climate of brotherhood and respect for the sovereignty of all the peoples involved, each of which had won its freedom and independence in the manner it deemed most appropriate, in order to escape from the state of colonialism in which it had been and which history had been able to eliminate from all parts of the world.

90. A second question followed the first. If it had been impossible to prove that Morocco or Mauritania had at any

time exercised sovereignty over the Sahara, notwithstanding the historical arguments they had presented either separately or jointly, and since that sovereignty naturally did not belong to Spain, then to whom did it belong? In the view of the Frente POLISARIO—which was considered the sole legitimate representative of the Saharan people and which had taken the initiative of establishing and maintaining itself as a national organization—the logical position which the United Nations should defend—and, he was certain the Committee would also agree—was the following: from the beginning that sovereignty had belonged to no one but the Saharan people, who were represented by their national liberation movement, the Frente POLISARIO.

91. With regard to other so-called organizations and movements, in some cases they were a Spanish legacy used by expansionist forces to pursue their interests, such as the organizations established by colonialist elements to guarantee their interests or to prove the legality of their illegal presence. In other cases, they were movements created by expansionist circles with a view to exiling or exterminating the Saharan people, as was the case of the armed forces of certain neighbouring countries which were pursuing their acts of aggression disguised behind the names of apocryphal movements.

92. That very fact was admitted by some organizations when they asserted that they were the only ones recognized by Spain. However, they were faced with a problem, namely, that the Saharan people had not recognized and would not recognize any organization other than the Frente POLISARIO, which the people themselves had established and which had demonstrated its truly representative character to the Visiting Mission. The Saharan people had been eagerly awaiting the Mission in order to present the facts to it and demonstrate clearly to it their determination to continue the struggle for their unshakable right to freedom and independence. On the basis of the experience of the national liberation movements of the African continent—for the Saharan people were not the only ones who had struggled against a colonial presence or had been ill-treated or exiled—he believed that a liberation movement was defined by the role it played vis-à-vis the national cause and by the sacrifices it underwent through its military activities. Those two elements were at the heart of anti-colonist activity. A liberation movement could also be defined as a people's representative at the national level.

93. He wished to refer to only a few paragraphs of the report of the United Nations Visiting Mission, annexed to chapter XIII of the Special Committee's report (A/10023/Add.5) which were only some of the many paragraphs that clearly demonstrated the will of the Saharan people and the real nature of the Frente POLISARIO, which represented that will. Paragraph 219 of the Mission's report stated that:

"The Frente POLISARIO did not furnish the Mission with the number of its registered members, as opposed to sympathizers. According to the Spanish authorities, its principal strength is among the younger generation, although the Mission found that a number of older people, including sheiks and notables, admitted to being sympathizers. From what the Mission was told during its preliminary meetings with representatives of the Spanish Government in Madrid, and from its discussion with the

leaders of PUNS, the strength of the Frente POLISARIO has apparently been underestimated. In fact, the Mission found that it had considerable support among all sections of the population. . . ."

Paragraph 220 read as follows:

"As explained elsewhere in the report, the mass public demonstration of support for the Frente POLISARIO, which the Mission witnessed throughout the Territory, and especially in the northern region, including El Aaiún, came as a surprise to the Spanish authorities and to many Saharans, and has considerably altered the political situation in the Territory."

94. In chapter XIII, paragraph 11, of the Special Committee's report, containing the observations of the Mission, it was further stated that:

"The Frente POLISARIO, although considered a clandestine movement before the Mission's arrival, appeared as a dominant political force in the Territory. The Mission witnessed mass demonstrations in support of the movement in all parts of the Territory."

95. In presenting those facts, he could not improve on the statement made at Algiers on 1 June 1975, by Mr. Siméon Aké, Chairman of the Mission, when he had affirmed that: "We can testify to the tremendous feeling of responsibility and humanitarianism demonstrated by the leaders of the Frente POLISARIO."

96. The violations of the Charter of the United Nations and of its resolutions and principles to which he had referred and the shameless defiance of international custom were a threat to world peace; moreover, the maintenance of peace and security, not only in northwestern Africa, but also internationally, was an obvious desire of his people. Such tactics had prevented independence from being attained in that part of the world as promptly as the Saharan people and the international community would have liked.

97. The leaders of independent Africa in OAU had acted skilfully to avert the possible outbreak of future conflicts by putting a stop to expansionist manoeuvres concealed behind a cloak of propaganda, establishing natural frontiers within which the peoples of the continent had achieved independence. Had the expansionist interests succeeded, they would have converted the continent into a wasteland and an inferno.

98. The responsibility for the consequences of any war unleashed against that people, which was suffering directly from the colonialist presence and struggling to bring it to an end, would be borne by those who had started the onslaught against the Saharan people, their independence and their territorial integrity.

99. In the name of those who were directly affected by the events, he wished to seize that historic opportunity to explain to the Committee the true state of affairs, in order to enable the international community to meet its responsibility for the defence of a people which was considered so weak that its rights could be violated, and also to enable the

international community to fulfil the mandate entrusted to it by the peoples represented at the United Nations.

100. Spain's lack of will-power had been made clear during the past few days by its failure to apply United Nations resolutions and to carry out its commitments to the Saharan people. Spain had left the door open to the entry of foreign units into the area, thus giving rise to armed confrontations. The Frente POLISARIO had frequently attempted to avoid such confrontations and had even given orders to its troops to do their utmost to avoid clashes with their brothers, in order to prevent under any circumstances the shedding in its land of Arab, Moslem or African blood. Responsibility lay not with the Frente POLISARIO but with those who incited innocent people to clearly dangerous acts. Spain might deny responsibility by claiming that the war had not been directed against it, but it had been Spain's duty to defend a people with which it had concluded defence treaties, since Spain was responsible for the defence of the people of the Territory until the latter became independent.

101. That lack of will-power was part of a series of conspiracies, which Spanish colonialism had for decades engaged in against the Saharan people and which had culminated in the hostile tripartite agreement between the colonizing Power and the expansionist enemies of that people's existence; it was not only a defiance by Spain of the will of the Saharan people and Spain's commitments to that people, which Spain had found independent and the master of its country and must logically leave in the same condition, but also a defiance by all three countries of all the international resolutions on the issue, the last of which was Security Council resolution 379 (1975), urging all the parties concerned and interested to avoid any unilateral or other action which might further escalate the tension in the area. They wished to legitimize an unlawful military intervention by using the form of a joint administration; that intervention had occurred weeks before the agreement had been reached.

102. That agreement should, at the very least, be condemned by the international community; otherwise it would be a dangerous precedent, justifying the disregard of resolutions of the Organization, which was responsible for defending peoples and ensuring the maintenance of international peace and security. To allow that agreement to be implemented would be tantamount to approving a ruthless war, with disastrous consequences for the whole area.

103. The Saharan people was prepared to defend its soil and its national sovereignty to the last, even if it required the ultimate sacrifice.

104. The Saharan people was peace-loving, and it fought not from any love of fighting but in order to assert its rights and to maintain peace in that part of the African continent. It was entitled to defend its existence despite the slanders which had been heaped upon it, and even though it had avoided any confrontation from which colonialism might derive some advantage; however, it remained willing to accept any co-operation which might help to improve its living conditions and normalize its relations over the long term. The situation should be thought of as merely a

passing summer cloud, and harmonious societies should be built through joint action.

105. The Frente POLISARIO was appearing for the first time before the Committee as the authentic representative of the Saharan people after years of difficult and bitter struggle to achieve self-determination and independence. That was a legitimate right, often defended by the United Nations and upheld by all its resolutions, especially General Assembly resolution 1514 (XV) and subsequent resolutions relating to the decolonization of Western Sahara. Morocco and Mauritania had both voted in favour of those resolutions, thus confirming their legitimacy, not only internationally but also regionally and at the level of OAU. At the regional level, the final communiqué, dated 24 July 1973, of the tripartite summit conference held at Agadir between Morocco, Algeria and Mauritania, had stated the following:

"The three Heads of State paid special attention to developments regarding the Sahara still under the domination of Spanish colonialism. They reaffirmed their unwavering attachment to the principle of self-determination and their concern to ensure that this principle was implemented in a framework which guaranteed that the will of the inhabitants of the Sahara was given free and genuine expression, in conformity with the United Nations decisions on this question. (*Ibid.*, annex, appendix III D.)

106. The question therefore arose as to what the reasons were for the sudden deviation from the basic principle, which was generally regarded as the keystone of relations among States and peoples, and for the assertion of a claim to a land whose people only wanted to live in peace and security and to make a contribution to peace in the area.

107. He did not want to start a trivial debate, since he respected the dignity of the proceedings and had faith in the natural evolution of history, which was reflected in the independence of peoples from all types of colonialist domination. History did not repeat itself; if it did, there would be a return of Hitlerism and the world would once again suffer years of destruction, the British Empire would return to the new world and the Ottoman Empire to the entire Arab world.

108. To show his people's desire for independence, he referred to certain paragraphs of the report of the United Nations Visiting Mission to the Sahara (*ibid.*, annex).

109. Paragraph 229 stated, *inter alia*: "Despite these difficulties, the Mission was able to conclude after visiting the Territory that the majority of the population within Spanish Sahara was manifestly in favour of independence."

110. In paragraph 234 it was stated that "In all these manifestations in the northern part of the Territory, the overwhelming majority of demonstrators carried the flags and emblems of the Frente POLISARIO or incorporated its colours in their apparel. Everywhere the Mission saw signs displayed demanding total independence of the Territory from Spain and rejecting integration with any neighbouring country."

111. The gist of paragraph 236 was that at Villa Cisneros all the demonstrators had been in favour of independence.

That was precisely what was recommended by the Visiting Mission in its observations and conclusions:

“Within the Territory, the Mission noted that the population, or at least almost all those persons encountered by the Mission, was categorically for independence and against the territorial claims of Morocco and Mauritania.” (See A/10023/Add.5, para. 11(18).)

112. If the question of the referendum had been overtaken by events and its implementation was no longer feasible, as the Frente POLISARIO had reported to the Visiting Mission, that was for two basic reasons. First, the Saharan people had resorted to armed struggle against the colonialist presence, which meant that it had firmly decided to achieve its independence and establish its national sovereignty in its country in accordance with United Nations resolutions, and in particular General Assembly resolution 2983 (XXVII) of 14 December 1972, which stated that the General Assembly:

“1. *Reaffirms* the inalienable right of the people of the Sahara to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

“2. *Reaffirms* the legitimacy of the struggle of colonial peoples and its solidarity with and support for, the people of the Sahara in the struggle they are waging in order to exercise their right to self-determination and independence, and requests all States to give them all necessary moral and material assistance in that struggle”.

113. When a people began to struggle for its independence, as in the case of the Saharan people, and was inspired by a noble idea, as was the Frente POLISARIO, it was absurd to ask it what it wanted, because that was known to all, and the legitimate representative of the people must be dealt with on matters relating to the conditions of the transfer of power. That was what Spain should have done, and what those who claimed the Territory should have respected. That had been the case with previous liberation movements, and Portugal had proceeded in that manner with the Frente de Libertação de Moçambique (FRELIMO) and the Partido Africano da Independência da Guiné e Cabo Verde (PAIGC). That was also what the United Nations was being asked to impose on the parties in the case in point. The Frente POLISARIO, believing that the Saharan people had decided their destiny since the first shot had been fired, was prepared to negotiate, on behalf of the Saharan people, the transfer of sovereignty to the people.

114. Moreover, the Saharan people had revealed to the Missions its desire for independence, and there was as a result no reason to waste more time and return to a situation that had been overtaken by events and could only be influenced by the granting of independence to the people. He also considered that independence was the only solution, otherwise the area would become a blazing battlefield and that would in one way or another endanger international peace and security. In his view, the only conclusion was that the principle of self-determination and independence, clearly proclaimed in General Assembly resolution 1514 (XV), must be applied in accordance with the will of the Saharan people.

115. The Saharan people was small in numbers, like many other peoples that had achieved independence by choosing, according to the circumstances, a type of authority consistent with their traditions and customs, but a high or low population density was not and never would be an obstacle on the path leading to the independence and freedom of peoples. Freedom could not depend on the size of the population; otherwise many of the peoples represented at the United Nations would not have achieved independence but would still be subjected to foreign domination because of their limited numbers.

116. The enjoyment of the right to self-determination and independence claimed by the Saharan people could never be inconsistent with the active role that the United Nations could play on behalf of the independence of that people and in support of its aspirations to social and economic development in the first phase of the establishment of its national sovereignty.

117. The tripartite agreement was no more than a manoeuvre between the colonialist Power and the expansionists to frustrate the process of decolonization of the Sahara under United Nations auspices. That initiative was a violation of United Nations resolutions and decisions relating to the Sahara. The sole aim of both the expansionists and the colonialists was to confront the world with a fait accompli, although they had always accepted all the resolutions calling for the self-determination and independence of the Sahara. That made him wonder about the significance of 10 years of resolutions, the advisory opinion of the International Court of Justice of 16 October 1975 (see A/10300), the activities of the Visiting Mission and the crisis imposed on the world; he believed that the United Nations was being exploited on the issue. The Saharan people solemnly rejected that manoeuvre, which was directed against its existence; the authority to negotiate or reach agreement on the Sahara rested wholly with its people, the sole master of its fatherland.

118. He wished, in conclusion, to sum up his statement in the following seven points.

119. First, the challenge of Spain and the expansionist countries to the United Nations resolutions, which they themselves had accepted, was clear and the postponement of their implementation was a dangerous sign that the majority of the resolutions of the international community would remain no more than an expression of good intentions.

120. Second, it was equally clear that no historical relations of sovereignty existed between the Saharan people and their neighbours and that the problem was not a legal, but a political one, which must be decided on the basis of the facts; that was precisely what the Frente POLISARIO had been proclaiming for years, and it had been confirmed by the advisory opinion of the International Court of Justice.

121. Third, the report of the Mission clearly showed that the will of the people was to achieve independence, which was why they had resorted to armed struggle.

122. Fourth, the danger of foreign intervention, from whatever source, arose from a shameless contempt for the

United Nations Charter and its resolutions and was a grave precedent, which could turn the area into a battlefield, with unforeseeable consequences, since it would be impossible to limit a war once it was declared.

123. Fifth, in his opinion, to accept partition would jeopardize, on the one hand, national sovereignty, which was indivisible, and, on the other, the decision of the Saharan people to defend its territorial integrity and a neutral republican order that harboured no ill will against anyone and maintained relations with all peoples and States of the world, establishing ties of equality with all peoples in accordance with the five principles of peaceful coexistence. It would also jeopardize the people's desire to co-operate with its fraternal neighbours in all fields and on the basis of the broadest criteria.

124. Sixth, the Saharan people had exercised its right to self-determination and independence by deciding its destiny through armed struggle. It had also decided that there were only two parties to the conflict: on the one hand, the Saharan people, which had a legitimate claim, and, on the other, the Spanish colonialist authorities. Sovereignty should therefore be handed over directly to the Saharan people.

125. Seventh, the Frente POLISARIO was the dominant political power in the area, as had been made crystal clear to the Mission; it exercised sole responsibility for the Saharan people. Negotiations must therefore be held with it on the question of the transfer of sovereignty. From that point of view, it was clear that the Saharan people should have a place in the United Nations, and since there could logically be only one representation for a people, the Frente POLISARIO would be responsible for that representation.

126. The Saharan people requested, through the Committee, that the United Nations, on which the historical responsibility fell, should first, reaffirm the inalienable right of the Saharan people to independence in accordance with General Assembly resolution 1514 (XV) and the successive resolutions relating to the question of the Sahara; secondly, require the colonialist State to end its presence by transferring sovereignty to the Saharan people through the Frente POLISARIO, and prevent any manoeuvre which impeded the independence of the Saharan people; thirdly, warn the neighbouring States against any unlawful attempt to intervene in the internal affairs of the Saharan people and against any threat to the peace, security and stability of the area; fourthly, condemn any attempt to partition or forcibly annex the Saharan fatherland; fifthly, proclaim the recognition of the right of the Saharan people to adopt all measures necessary to recover its national sovereignty and defend its territorial integrity, including requests for and acceptance of support from all peace-loving peoples, provided that the people preserved its freedom to choose the system it preferred; and sixthly, confirm that the representation of the Saharan people was the responsibility of the national movement created by it, the Frente POLISARIO, and that that peaceful movement would represent its people in the United Nations.

127. Mr. RACHID (Front de libération et de l'unité) greeted the Committee on behalf of the Executive Com-

mittee of FLU and its fighters and masses, who had been waging a continuous struggle for over 20 years.

128. He wished to affirm from the outset that FLU was only an offspring of the fierce struggle and popular uprising in the region in 1957, the year that was considered a turning point in the struggle against colonialist forces to achieve the objectives traced by the blood and lives of fellow fighters. Consequently, FLU has been born as a clear response to the will of the population of the region and was further considered to be the genuine voice of that historical line, traced by generations in the various phases of their struggle.

129. Faith in the lofty principles set forth in the United Nations Charter gave FLU confidence in the future, especially because it had the opportunity to address the Fourth Committee, which had resolutely and constantly worked for the realization of the principles of the Charter and the fulfilment of the tasks assigned to it by those peoples of the world who had endured wars, colonialism and discrimination. A review of the various phases of the history of the Sahara entailed a study of the history of the whole of Morocco, because that territory had pioneered the construction and development of the Morocco State, and because of the social, political and militant links which bound the occupied area to the rest of Morocco. He would therefore confine himself to calling attention to some events that would clarify the part played by the people of the region in the history of Morocco.

130. Imperialist forces had competed for possession of Morocco and, consequently, they had disrupted its territorial integrity for decades. As a result, Morocco had been divided into several colonial areas, with Spain in the north and south, France in the centre and east, and an international area in Tangiers.

131. The major part of the Moroccan homeland had obtained its independence in 1956, and Tarfaya Province had been regained in 1958. In 1969, Spain had withdrawn from Ifni. The people of the Sahara had continued to hope that imperialist forces would bow to historical facts and the national will expressed by the Saharans on more than one occasion and in more than one battle, especially in 1957. In that year, the Saharans had acted as one man, inflicting heavy losses on the Spanish colonialists and forcing them to retreat and take shelter in some towns where they had fortified their positions. Had it not been for the assistance that the Spanish forces had received from the French army in Algeria, the Saharans would have triumphed. The plot had been hatched, and the Saharan masses had fallen victim to an operation in which the enemy had been obliged to mobilize huge forces to check the legitimate resistance. The Moroccan banner had again been unfurled in all parts of the Sahara, without exception. However, the colonial forces had succeeded in overcoming the resistance because of the means at their disposal.

132. Ever since then, however, the Saharans had continued to demand their return to the fatherland, appealing to the world conscience and drawing attention to their conditions of life under imperialism, invoking to that end the lofty ideals that had guided and continued to guide United Nations efforts.



133. He did not wish to dwell upon the continued struggle of the Saharans up to that time. He would not recount the desperate struggle waged by their fathers and forefathers in defence of their honour, or narrate the many epic struggles, well known in history, which had provided undisputed evidence of the Saharans' adherence to their values and to their determination to defend their unity and resist despotism imposed by colonialism and its allies.

134. In their fierce battles, the Saharans had experienced victory and had tasted defeat. Heartening conditions and adverse events had occurred in succession until the immortal Battle of Dechira in 1958, and other battles, which had caused losses to the occupation forces and had constituted the main factor in convincing the Spanish colonialists that they should return Tarfaya Province to Morocco. Those battles in particular had been waged by the Saharans under the Moroccan flag.

135. He recalled the battles of 1974 and 1975, in which FLU had demonstrated its organizing ability and from which it had emerged as an armed and political union with discipline, tight planning and sound orientation, as well as with a specific objective and an irreversible aim, namely, the elimination of colonialism and the realization of the unity of all parts of Morocco. The battles of Echderia and Hagunia, among others, had been undisputed proof of the Saharans' firm determination and their acceptance of death in the cause of cherished unity with their brothers in the liberated parts of Morocco.

136. He did not wish to elaborate on the continuing armed resistance, in which they still believed. He merely wished to depict, for the members of the Committee, the tragedies the Saharans had experienced and the sacrifices they had made, which they had later suffered in a new form, reflected in the overt connivance and vicious alliance of imperialism and its allies several years earlier against the March of the Saharans, whose course had been traced by the blood and lives of the victims. He reiterated that FLU was still fully determined to continue its resistance against colonialist schemes, and steadfastly believed that the only solution of the question of Western Sahara lay in the realization of the complete unity of Morocco.

137. He affirmed that the principles of FLU remained solid and its resistance alert; its action remained a continuation of the strong resistance known in the region since the beginning of the occupation. FLU was not a last-minute concoction nor the outcome of circumstances but rather represented a continuation of the objective repeatedly avowed by the people and for which they had suffered death and sacrificed their blood—in other words, that of the defence of greater Morocco, a land that sought to unite its past with its present and to recover its historical boundaries.

138. Such were the objectives and aspirations of FLU and such were its means and plans. Any scheme to resist that trend in the Sahara would reduce the gains made in its struggle and constitute an extension of colonialism in the region. Inspired by its profound faith in its cause, FLU considered that the principle of self-determination did not truly apply to the region, because the destiny of the Saharans had been determined centuries earlier, through

historic battles in which they had sacrificed much of their blood and many of their lives in order to establish the Moroccan entity. Any doubt that might be cast upon the identity and nationality of the Saharans would be considered a direct challenge to their nationhood and their ancient history.

139. He warned that the persisting conspiracy that had been hatched against the people of the usurped Sahara was aimed particularly at the unionist militants who voiced the historical principle of revolution against colonialism and its allies. He drew attention to the imperialist coalition against the Saharan masses on the occasion of the visit of the United Nations Mission to the region. Despite the tight siege, FLU had managed to assert its existence, in particular through the battles waged against the Spanish colonialists. He pointed out that its armed struggle had been the most eloquent expression of its national attitude and sentiments. That Tact had further proved that it rejected colonialism and its allies and that dozens of members of FLU were in colonialist gaols and some of them had even lost their lives as a result of the beating and torture inflicted on them. For example, he mentioned the names of Al Hafez Ben Bouheifa, who had lost his life, and Ben Sheikh Ben Bouali, who was considered one of the military leaders of FLU and who was currently in gaol with 40 colleagues.

140. FLU regarded the recent talks held in Madrid as a favourable initiative, which was likely to promote peace and security in the region and to spare lives. The talks would also open the way towards understanding of the objectives that FLU had struggled to achieve. He welcomed any initiative in that direction and said that FLU regarded the dialogue as a step towards a peaceful solution to the problem in conformity with the United Nations Charter. He took the opportunity to declare the support of FLU for any peaceful solution, provided that the rights of the Moroccan nation were respected and the dignity and freedom of the Saharan masses, who continued to fight for the realization of their noble unionist aspirations, were preserved.

141. In conclusion, he said that the exposition of the developments which had occurred made unquestionably clear the historical, political and social context in which the problem should be placed. Any departure from that context would be contrary to the will of the masses, who looked forward to the day of liberation and unity.

142. Mr. MOHA (Premier mouvement de lutte contre l'occupation espagnole du Sahara) said that, in order to give an idea of his movement and its history, he would like to draw general attention once again to the fact that the name of Edouard Moha, which he had used during the years of struggle and by which he was currently known, was only a pseudonym. His real name was Ouled Taleb Mohamed Ahmed, and he was the son of Ouled Taleb Ahmed Mohamed Lahcen and belonged to the tribe of the Reguibat, a branch of the Ouled Taleb. His parents had arrived in Morocco with the first exodus, in 1939.

143. He was founding and current President of MOREHOB, formerly the Mouvement révolutionnaire des hommes bleus.

144. The movement had been created in 1969-1970 abroad, more precisely in Paris, by Saharan émigrés who were living in Europe, particularly in France, the Federal Republic of Germany, the Netherlands, Belgium and Spain. Moreover, it had been as a result of the political work of MOREHOB and its efforts to awaken consciousness abroad that the consciousness of the population inside the Territory had been aroused, and that had led to complete collaboration with the MOREHOB militants who had organized the bloody manifestations at El Aaiún in 1970.

145. During the second phase of its programme of action, MOREHOB had undertaken the creation and establishment of clandestine cells to serve as bases for clandestine resistance within the Territory. They had been strengthened by a network of fall-back bases established in liberated neighbouring territories.

146. Once its work of organization had been completed, MOREHOB had deemed the moment opportune to reveal itself publicly with a view to publicizing its political programme throughout the world, and in that spirit it had sent its constituent Charter to Mr. Diallo Telli, who at that time was Secretary-General of OAU. It should be pointed out that copies of that Charter, which outlined the objectives and political orientation of MOREHOB, had been sent to the United Nations and to OAU.

147. Another episode had been the arrival of MOREHOB in Algeria in March 1973. There, too, as reported by the French newspaper *Le Monde* in April 1973, MOREHOB had undertaken an identical task, namely that of carrying out political and diplomatic information activities, supported by military action. Parallel with that, social projects for the benefit of the disinherited populations had been put forward, but unfortunately they had not been approved.

148. In the beginning, the activities of MOREHOB had been limited to information work designed to publicize internationally the cause it defended. Those activities had encompassed all countries in central Europe, eastern Europe and Scandinavia. Work had also been started on the spot to create committees to support the movement among European political and trade union organizations.

149. The time had come to resume resistance activities, and in that spirit MOREHOB had agreed to sign co-operation and mutual assistance pacts with anti-Franco parties and organizations, on the assumption that the latter would support and uphold its struggle.

150. At the current stage, MOREHOB had offices in various European capitals and in some African countries, and it was continuing to direct the militants who were in the Sahara. It was currently supported by associations created by African émigrés in Europe and the number of its members had risen to 6,750 by 1 October 1975.

151. He had the honour of appearing before the Committee for the purpose of presenting his testimony. He knew it was not impossible that some would not attach to his statement all the importance it deserved. For him, it was not a question of a simple account, which any leader of a political or revolutionary movement had to make to his organization and his comrades; it was much more than that,

since it was a question of retracing with the greatest possible accuracy the background to the struggle for liberation waged by his liberation movement in Morocco, then in Algeria—where MOREHOB had been declared the first liberation movement born in the Sahara to oppose the occupying Power—and, finally, in Mauritania, with which fraternal country it had frequently had relations.

152. In coming to the United Nations for the first time to defend the genuine aspirations of the populations for which MOREHOB was the spokesman, he was firmly convinced that the colonial dispute between Morocco, Spain and Mauritania would be settled in a just manner within the African group of States in the United Nations.

153. MOREHOB hoped that there would be no need to go further; it had said that the reality was also that the whole of Africa was, like Algeria, naturally concerned about the safeguarding of peace and security in the region and the liberation of its sons and peoples and the return of the populations to their mother country. He did not, of course, know personally all the representatives of the States Members of the United Nations. However, he was firmly convinced that he would have the understanding of all and their full support for the cause that MOREHOB defended. MOREHOB considered its cause a just one, since it was justified by the legitimate historical and political rights of the populations of the Sahara. In coming to the United Nations, his aim was also to be able to reply to certain questions that had frequently been raised with regard to the collaboration—if he might call it that—between MOREHOB, the Front de libération nationale (FLN) and the Algerian Government with regard to the liberation struggle of the Sahara under Spanish domination.

154. Before going into detail, he would like to go back to the origin of certain seeds of misunderstanding that had been sown on the subject and had germinated in the minds of a number of countries. The main one, in his view, was the incorrect interpretation that some had sought to give to the term self-determination, which was frequently mentioned in the United Nations; for people forgot that when it had been a question of that term in the international forum, Spain had regarded the Sahara as a Spanish province, administratively and politically, institutionally and militarily, and therefore as an integral part of Spain in the same way as the Canary Islands were.

155. As far as MOREHOB was concerned, it had never been a question of the legacy of colonialism, as it was usually called in OAU, but solely and simply of a barrier designed to preserve the last retreat in the southern part of Morocco in which colonialism had entrenched itself after having agreed to the successive return to Morocco of the province of Tarfaya and the enclave of Ifni.

156. Having said that, and with a view to putting an end to any misunderstanding, he would like to state solemnly, addressing his remarks to all people on earth, that MOREHOB had gone to Algeria solely with the honest intention of asking that fraternal country for material assistance and political support, on the same basis as the other movements accredited to Algeria. It could all be explained as disinterested aid in connexion with the liberation struggle of the Moroccan territories under

Spanish domination. A petition along those lines, supported by FLN, had been addressed to the Co-ordinating Committee for the Liberation of Africa at Dar es Salaam on 7 June 1973.

157. It was also in the context of the liberation of Moroccan territories under Spanish domination that the leaders of MOREHOB had purchased abroad the first weapons to be used in the first armed actions against the colonial enemy apparatus.

158. The studies made with respect to the social plan for the benefit of the disinherited peoples of Sahara had been transmitted respectively to the United Nations, OAU and the Arab League. In that case, too, Algeria had opposed the humanitarian endeavour in question on the pretext that the meeting of the nomads, with the campaign of indoctrination necessary to heighten the awareness of the Saharans, might awaken a desire for autonomy in the Algerian Touareg tribes, which Algeria would find it difficult to control.

159. Through those acts, MOREHOB had indisputably demonstrated to the world that the hand extended to Algiers was fraternal and the gesture was inspired by lofty sentiments. That of Algeria, however, concealed a scorpion—a poisonous two-faced scorpion motivated not by the spirit of true liberation of all Sahara but by the desire for bargaining and mutual concessions in accordance with which relations between the Governments in Algiers and Madrid would be governed solely by the principle of give and take; even then it could be seen that the Algiers Government was continuing to act in accordance with that policy of concessions.

160. Algeria was doing everything even though it was not unaware of the fact that its actions were contrary to the principles constituting the basis of peaceful coexistence in the region. Thus, behind its fraternal mask it was seeking only to promote the triumph of a new domination, that which it thought could guarantee it an inheritance as co-colonizer of the Sahara.

161. Thus it was apparent and indisputable that the collaboration of Algeria with Spain represented the confluence of various currents fed by sources relating primarily to the common interests of the two Governments which were accomplices; in that connexion one naturally could not fail to ask why Algiers agreed to collaboration with a colonial Government and why that collaboration was considered a necessity for Algiers.

162. In the eyes of history and of the world, the Algerian brother country had now arrived at a stage at which it was very difficult for it to continue hiding its true objectives, aimed at promoting the establishment in the Sahara, with the complicity of Madrid, of a puppet State, which would offer Algeria all the economic, political and strategic advantages that it had hitherto coveted. It would also be possible for it, taking into account its pre-established plans, to set up a hired gang, which would not hesitate, at a second stage, to acclaim territorial unity with Algeria.

163. The claim of the Algerian brothers that they had always slept peacefully, and especially their protestations to

the effect that they had been involuntarily implicated and were, therefore, disinterested in the fate of a region that had been taken away from Morocco, were false.

164. They were false because Algeria had always made its choices and planned in conformity with the colonial policy laid down and pursued by Madrid and thus, when Madrid had considered Sahara a province of Spain, Algeria had firmly believed in that contention, going so far as to set up, on the basis of the results of the *Movimiento de la Tercera República Española*, an organization to which it had entrusted the mission of forming units of guerrillas among the Spanish refugees on an international scale.

165. Those units, with the aid of other camouflaged Algerian military units, were to attack the territory of Sahara, which, once it was liberated in the Algerian style, would serve as a base from which to combat Francoism in Spain.

166. It had been decided by the parties involved, the *Movimiento de la Tercera República Española* and Algeria, that the Spanish participants would deliver Sahara into the hands of Algeria.

167. He summarized for the benefit of the Committee the reasons and considerations that had prevented MOREHOB from being trapped in the gears of the Algerian machinery.

168. The Fourth Committee, which was meeting to examine the conflict of the Sahara under Spanish domination, was doing so at a moment when certain elements of the problem were being presented for its attention. In his view, those elements, in the light of which the Committee would have to deal with the matter, included, first, the report of the United Nations Visiting Mission to the Sahara (A/10023/Add.5, chap. XIII, annex), secondly, the advisory opinion of the International Court of Justice delivered at The Hague on 16 October 1975 (see A/10300) and thirdly, the hearing of the petitioners.

169. With respect to MOREHOB, he wished, before referring to the report of the Visiting Mission, to thank the Ambassador of the Ivory Coast, Mr. Siméon Aké, for the objectivity with which he had carried out his important task as Chairman of the Mission. For the same reason he would also like to mention and quote the conclusion with which Mr. Aké had terminated his statement before the Special Committee at its 1022nd meeting on 6 November 1975.

170. Mr. Aké had said: "The specific nature of the decolonization of the Territory and the complexity of the problem, . . . may explain the imperfections, the imprecision and the possible errors of evaluation".

171. As a result of the report of the Visiting Mission, MOREHOB had had to hark back to certain things of which it had been well aware; it had also learned of other things that it found it impossible to credit, because it considered that they were nothing more than a demonstration of a scenario rehearsed in advance, with the very specific purpose of supporting and confirming on the spot, in the Sahara, on the occasion of the visit of the United Nations Mission, the policy which the representatives of certain

countries to the United Nations had sought to impose by one means or another from that international rostrum.

172. The pseudo-democratic climate in which the consultation between the peoples of the Sahara and the Visiting Mission had been carried out should in no case allow MOREHOB to forget or lose sight of the manoeuvres of colonialism, which had started many years beforehand with the initiation of preparations along those lines. No one present could fail to realize that that system of colonialism had declared everything relating either closely or distantly to its province of the Sahara to be a "State secret". That decision had given rise immediately to the institution of martial law, giving all military and police powers to the authorities established in the Sahara.

173. The institution of martial law had found support among some who had been led astray and were partisans of colonial interests. In addition, colonialism had not neglected to supply them with a small personal army, which formed part of the machinery of the system of pressure and terror maintained by the legionnaires. The mercenary force, depending on the aforementioned rulers, had also had the mission of sustaining the climate of terror, without omitting to cultivate anti-Moroccan and anti-Mauritanian feelings among the unarmed people in the face of a considerable military and police potential.

174. In order to satisfy those individuals affiliated with colonialism, a policy of corruption had been instituted and a reward of \$US 50 had been paid to every Saharan who went along with that policy, proclaiming his support of Spain and his loyalty to the colonizer.

175. In order to be able to make a judgement, account must be taken first of all of the period in which those developments had taken place and, particularly, the social conditions in which the peoples of the Sahara had been living when it had been decided to put that policy into effect.

176. It should hardly be necessary to recall the drought that had desolated the region or the famine that had decimated the animal and human populations. Therefore, there could be no question of blaming or even reproaching those peoples for having compromised temporarily with colonialism under torture, oppression, and, finally, the weight of a misery that they had had to endure for too long.

177. The report of the Visiting Mission had not only mentioned the hearings and the official positions taken, but had also addressed itself to the problem of the presence of refugees in the neighbouring territories.

178. In that connexion, he recalled that, in the cases put before the International Court of Justice, Morocco on the one hand and Mauritania on the other had reaffirmed their respective claims to the Sahara. Those claims revealed the existence of 35,000 to 40,000 Saharans in the free territory of the mother country, Morocco.

179. Those people, who had fled from oppression, rejecting all forms of domination, had entered Morocco with the sure feeling that they belonged to that country in a

sense that precluded their being described as "political refugees" as defined in the Geneva Convention relating to the status of Refugees of 1951.<sup>4</sup> That right, the right to consider themselves Moroccans, had been recognized by the International Court of Justice, especially when recognizing the existence of legal ties between the peoples of Western Sahara, Morocco and the Mauritanian entity.

180. Furthermore, he felt obliged to mention at the same time the refugees that Algeria claimed to be harbouring in its territory.

181. The brother country of Algeria, as mentioned in the report of the Visiting Mission, had spoken of the presence of Saharan refugees in its territory, which clearly meant that Algeria was officially a "country of Asylum" and that it should deal with the problem in conformity with the Geneva Convention. Algeria was aware that that implied that it had a political, diplomatic and juridical responsibility with respect to the Saharans who were refugees in its territory, people whose names, whereabouts and even origin were unknown.

182. Since Algeria claimed that it had undertaken that humanitarian action, MOREHOB had no alternative but to ask the United Nations High Commissioner for Refugees for a list of the names of the Saharan refugees in Algerian territory.

183. For its part—although that did not exclude the aforementioned alternative—MOREHOB had learned from certain testimony, especially that of international humanitarian bodies which had participated in the distribution of relief on the occasion of the drought in the Sahel, that there were no officially declared Saharan refugees in the region.

184. The International Court of Justice had likewise demonstrated in its advisory opinion that the territory of the Sahara had not at the time of its conquest been *terra nullius*. In that same opinion, the Court had demonstrated that at the time of the conquest in question, the Sahara had had owners.

185. Therefore, to try to apply General Assembly resolution 1514 (XV) to the Territory in question would inevitably mean extending the same procedure to the entire planet, particularly to all those countries in which different races represented by opposition movements lived together.

186. Since its arrival at the United Nations, MOREHOB had been witness to a performance which was based on publicity emanating from certain countries. In that instance, it was not a question of puppets but simply of a liberation movement that was altogether anomalous, in that it was composed of Mauritians in opposition and Moroccan rebels, all under the leadership of a Touareg. Those brothers had immediately begun to spread their propaganda, which had doubtless been listened to. Its aim was to make it appear that the group in question was a movement which had military forces at its disposal.

187. He was familiar with the conditions under which Algeria created and directed the Saharan movements and he

<sup>4</sup> United Nations, *Treaty Series*, vol. 189, No. 2545, p. 137.

was not impressed, because he did not know either their strength or their conditions, and above all because he understood how and in what circumstances Algeria formed opposition movements in Africa.

188. That anomalous group, which currently numbered only 130 militants, taking into account the latest desertions to Morocco and Mauritania, had claimed to have encircled more than 6,000 Moroccan soldiers in the region. He would like to reply to that stupid claim by saying that it reminded him of the well-known legend of the fly that had drunk the sea.

189. The way in which some countries approached and continued to approach the conflict was only a platform serving as a basis for a plot hatched against Africa. During the month of January 1975, in The Hague, an emissary of FLN had met with some representatives of left-wing Moroccan movements and had offered them, or rather requested from them, collaboration by promising them, as his country had done on other occasions with the anti-Franco forces, that they could use the Sahara as a point of departure against the internal régime of Morocco.

190. A similar meeting, had, however, been held simultaneously in Paris, in the offices of a Mauritanian adversary and former high-ranking official who was well known at the United Nations.

191. While that complicity had awakened an echo in the Mauritanian adversary, who was a leader of the Frente POLISARIO, the Moroccans, on the other hand, had sought to uphold firmly and unconditionally the position of their Government regarding its claim to the despoiled Sahara.

192. It was impossible to mention the United Nations without thinking of what it had achieved for the benefit of all mankind. It was also impossible to mention its achievements without remembering the conditions in which the Organization had been created.

193. Every citizen of the earth would like to participate in that lofty international forum. MOREHOB strongly urged that it should not use its principles to further personal ambitions, ambitions which could only bring back bitter memories of the age of Hitler.

194. If certain groups that formed part of, or were opposed to, particular Governments counted on enhancing or increasing their popularity by appropriating alien territories through pseudo-fronts, MOREHOB wished to tell them that they were mistaken. It wished to tell them that leadership and paternalism were ambitions frequently leading to policies that could only further oppress those who were weaker.

#### AGENDA ITEMS 23, 86, 91 AND 12, 92, AND 93\*

Agenda item 23 (Territories not covered under other agenda items) (*continued*) (A/10023 (parts I and II), A/10023/Add.4 and 5, A/10023/Add.6 (parts I and II), A/10023/Add.7, A/10023/Add.8 (parts I-III), A/10082, A/10091, A/10095, A/10097, A/10101-S/11707, A/

10104, A/10175, A/10269, A/10300, A/10326-S/11862, A/10337-S/11872, A/C.4/786, A/C.4/787/Add.2 and Add.4-6, A/C.4/789, A/C.4/795-800, A/C.4/802, A/C.4/L.1094, A/C.4/L.1096, A/C.4/L.1101-1103, A/C.4/L.1105, A/C.4/L.1106)

Agenda item 86 (*continued*) (A/10023/Add.9, A/10307)

Agenda items 91 and 12 (*continued*) (A/10003 (chapter VI), A/10023 (part V), A/10080 and Add.1-4, A/10319, A/C.4/801, A/C.4/L.1095)

Agenda item 92 (*continued*) (A/10331, A/C.4/L.1107, A/C.4/L.1108)

Agenda item 93 (*continued*) (A/10329)

#### GENERAL DEBATE (*continued*)

195. Mr. KUDIWU (Zaire), referring to agenda item 23, said that colonialism was currently an obstacle to the full development of man and prevented him from making his contribution to the creation of the new world foreseen in the Charter of the United Nations. By General Assembly resolution 1514 (XV), the United Nations had given the colonial peoples a moral and legal basis to legitimate their claims and their call for sovereignty. His delegation commended the work done by the Special Committee and the progress achieved in decolonization, although efforts were still needed to eliminate colonialism completely. His delegation would therefore give its support to initiatives designed to achieve self-determination and hoped to contribute to a solution to the question of Belize and other Non-Self-Governing Territories. As for the problem of Western Sahara, Zaire hoped that tension would be reduced to a level which would permit conditions conducive to a solution.

196. With regard to the various Territories in the Pacific and the Atlantic which were still not self-governing, he pointed out that the international community must help those small Territories to form the necessary political and social structures and he expressed his admiration for the constructive attitude of the administering Powers which were co-operating with the Special Committee in the task of decolonization, which was not always easy. His delegation believed that the aim of any colonial enterprise should be decolonization, which rather than meaning a rupture implied a form of co-operation between the former administering Power and the new State.

197. Turning to agenda item 92, concerning the United Nations Educational and Training Programme for Southern Africa, he welcomed the increase in voluntary contributions from Member States in 1975 compared with the previous year, and hoped that such efforts would be intensified. The interchange was beneficial to recently independent countries, although it should not be forgotten that it was to be regarded merely as a palliative for short-term action. Accordingly, it was quite correct for the United Nations to ensure the training of cadres to take over the administration of the Territories concerned. It should be no surprise that Zaire was not on the list of countries that had made contributions to the Fund for the Programme, since it gave shelter to more than 1 million refugees from southern

\* For the title of each item, see "Agenda" on page xi.



Africa, for whom it provided social services, including elementary education at the University, where hundreds of professional personnel had been trained.

198. In conclusion, he said that the work of decolonization in the United Nations was successful because it gave peoples a moral and legal basis for their aspirations to exercise a right inherent in human nature. All members of the international community should assist the peoples which were determined to govern their own destinies.

### AGENDA ITEM 23

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (continued)** (A/10023 (parts I and II), A/10023/Add.4 and 5, A/10023/Add.6 (parts I and II), A/10023/Add.7, A/10023/Add.8 (parts I-III), A/10082, A/10091, A/10095, A/10097, A/10101-S/11707, A/10104, A/10175, A/10269, A/10300, A/10326-S/11862, A/10337-S/11872, A/C.4/786, A/C.4/787/Add.2 and Add.4-6, A/C.4/789, A/C.4/795-800, A/C.4/802, A/C.4/L.1094, A/C.4/L.1096, A/C.4/L.1101-1103, A/C.4/L.1105, A/C.4/L.1106)

#### QUESTION OF FRENCH SOMALILAND (continued)\*

199. Mr. HUSSEIN (Somalia)\*\* said that his delegation had read with close attention the working paper annexed to chapter XVI of the report of the Special Committee, on French Somaliland (A/10023/Add.6 (part II)), which briefly outlined the current developments in the Territory in political, economic and social fields.

200. The fact that the working paper was not comprehensive and in some aspects did not fully reflect the actual facts in French Somaliland should be attributable to the lack of co-operation on the part of France in not supplying the United Nations with the required facts and information pursuant to Article 73 *e* of the Charter. Despite such limitations, the working paper was praiseworthy and constituted a clear manifestation of United Nations concern and its continued efforts to achieve a rapid process of decolonization.

201. His delegation had also listened with great interest and attention to the statements delivered at the 2168th meeting by the representatives of the liberation movements, the Front de libération de la Côte des Somalis (FLCS) and the Mouvement de libération de Djibouti (MLD) and the Ligue populaire africaine (LPA). They had explained elaborately and constructively the situation currently prevailing in French Somaliland (Djibouti). His delegation was indeed happy that LPA had for the first time dispatched a top-level delegation to New York under the leadership of its President, Mr. Hassan Gouled, and its Executive Secretary and spokesman, Mr. Ahmed Dini, to petition the United Nations for the attainment of independence of their

Territory. The observations of the petitioners had once again revealed the nature of the rigorous French colonial rule in the Territory and France's colonial designs. It was heartening to note that they had all reiterated their demands for full, unconditional and speedy independence for their Territory.

202. His delegation had also listened with care to the statement made at the same meeting by the representative of France, the administering Power, at the commencement of the consideration of the question. Before stating the position of his own Government, he wished to make some relevant remarks on certain issues raised by that statement.

203. The representative of France had pointed out that on two occasions, in the 1958 and 1967 referendums, the population of the territory had indicated that it did not wish to be separated from France, a choice that had been confirmed at every election, the latest having been held in May 1974.

204. It was significant that the French Government on a number of occasions in the past had in a similar tone asserted that the continuation of French presence in the Territory was motivated by the express wish and desire of the people. The question arose, however, whether the referendums held in 1958 and 1967 and the elections referred to by the representative of France were a true reflection of the wishes, the real wishes, of the people of the Territory.

205. Although the two referendums and elections in question had been held in the Territory, they were totally invalid and could not in any way be viewed as a true reflection of the wishes of the people.

206. There was indeed ample evidence to prove that in both 1958 and 1967 the referendums were held in an undemocratic climate dominated by intimidation, oppression and denial of basic human rights. The Special Committee, after a comprehensive and impartial investigation, had advanced overwhelming evidence showing that the 1958 referendum and election had been rigged by the local French authorities. The Special Committee had also received evidence of political repression and of the denial of freedom of speech to the local political parties.

207. Perhaps the flagrant violations of fundamental human rights and universal democratic principles could best be illustrated by the unjust and inhuman procedures applied by the French Government in the 1967 referendum: On 26 January 1967, a decree was issued in Paris outlining the broad framework within which the referendum would be conducted. The electors would have to answer "oui" or "non" to the following question: "Do you wish the territory to remain within the French Republic with the renewed Government and administrative status, the general outline of which has been made known to you?" A white ballot paper would bear the answer "oui" and a blue ballot paper would represent the answer "non".

208. He read out statistical data showing the voting position and the number of polling stations during the 1965

\* Resumed from the 2168th meeting.

\*\* The statement by the representative of Somalia is reproduced *in extenso* in accordance with the decision taken by the Committee at its 2172nd meeting.

election as compared with the number of polling stations allotted for the 1967 referendum.<sup>5</sup>

209. Even allowing for the need to establish more polling stations in rural areas than in towns, where the population was highly concentrated, the relative increase in polling stations in the rural areas of Dikhil, Tadhoura and Obokh, on which the French authorities were depending for support, was quite out of proportion to the minor increase in polling stations allotted to Djibouti and Ali Sabieh.

210. The registration of voters for the African population had closed on 15 January 1967, but had remained open until 15 February 1967, for non-African voters. The French authorities had refused to register about 5,000 African residents of Djibouti, all of whom had the necessary residential qualifications. The explanation given by the French authorities for that refusal was that those people had not participated in former elections. In addition, there were also about 3,000 Africans in the area of Djibouti and Ali Sabieh who had come of age since the last election but had also been refused permission to register for the same reason. In utter desperation and bewilderment, many of those disenfranchised Africans had attacked the office of the District Commissioner of Djibouti on 16 February 1967. Moreover, African married women, in possession of valid documents, had been precluded from registering, whereas European wives had been permitted to register.

211. Not only had the many thousands of deportees been disenfranchised; so also had the nomads who had left French Somaliland for the Somali Democratic Republic on their routine seasonal migration for grazing. The novel provision in the referendum decree, making it obligatory for each registered voter to produce documentary evidence that he or she had been resident in French Somaliland for three years, had had no effect on the French military forces, but it had disenfranchised all those humbler people who could not produce "any relevant paper of an administrative nature". That provision might be sensible when applied to metropolitan France, but it was clearly impracticable among nomadic peoples, and among those urban people who, with perhaps one shirt to their name and no roof over their head, could not easily submit official papers.

212. It was to ensure that such laws were fairly applied by officials in French Somaliland that the General Assembly, in its resolution 2356 (XXII), had requested France to accept observers before and during the election. Past performance and French official action since the announcement of the referendum could only leave those who genuinely desired a free and fairly applied referendum with a feeling of abhorrence at the injustice of it all.

213. The general apprehension at such an appalling state of affairs, which had been amply commented upon by the international press, including French mass media, need not be explained in great detail. He would like, however, to quote some relevant extracts from certain leading papers in order to demonstrate the reaction of world public opinion to the tragic consequences emanating from the infamous manipulated referendum of 1967.

214. One of the most popular and widely circulated French papers, *Le Monde*, in its issue of 19 March 1967, had stated:

"One may indeed wonder what meaning a referendum can have in a country where more than 90 per cent of the population is illiterate, and, therefore, indifferent to the tracts and leaflets which have been widely distributed by both political parties and by the administration... Blackmail, in the form of the threat of withdrawal of French technical assistance, may have momentarily pleased those who believe in 'Cartier-ism', but in the end it will be contrary to French interests."

215. Another French paper, *France Nouvelle*, of 15 March 1967, had pointed out:

"Everybody knows now that this [the referendum] was not a liberal action of the French Government pursuing 'decolonization' policies... It needed bloodshed to make the President of the [French] Republic say: 'If the territory does not wish to be French any more, France will not oppose it!' It is well established then, that the Government did not initiate the referendum, but that the initiative was forced on it by circumstances... Trickery is not the only means envisaged to maintain the colonial structure. There is also blackmail! 'If you do as you are told, you may remain and will want for nothing. Argue, and you will pack your bags and get out'... General de Gaulle has dramatised ethnic rivalries to the utmost, inviting one group to Paris and sending others to jail, hoping to divide and rule... A few days before the referendum, the situation is extremely tense. This is not due to the international perturbation. It is the result of the intimidation and repression perpetrated by the Gaullist authorities."

216. The popular and leading French paper *Le Figaro*, in its issue of 20 March 1967, criticized the 1967 referendum in the following terms:

"What is called the Somali village [of Djibouti] is encircled at least until tomorrow morning by 1,000 soldiers, arms at the ready, marines, gendarmes, legion-

<sup>5</sup> The data are set out in the following table:

District	1963 legislative elections			1967 referendum	
	Approximate population figures	Registered voters	Number of voters	Number of polling stations	Number of polling stations
Djibouti	62,000	9,999	5,587	11	12
Dikhil	12,000	4,129	1,617	4	15
Ali Sabieh	8,000	1,811	1,217	5	9
Tadhoura	17,000	5,699	2,229	8	20
Obokh	8,000	3,555	595	4	11
TOTAL	107,000	25,193	11,245	32	67

aires and, by the dozen, trucks equipped with machine-guns; portable barbed wire entanglements bar all exits, among which is Avenue Treize, in which is situated the headquarters of the two opposing political parties. Lewis guns have been put into firing position at all crossroads. Inside, the huge shanty town is cut into four and carefully guarded. All roads are closed by barbed wire, and sometimes also by military vehicles."

217. The *Egyptian Mail* of the United Arab Republic, dated 25 March 1967, commenting on the referendum, had stated:

"In view of the fact that the referendum in French Somaliland was held under conditions of repression after thousands of Somalis had been deported or arrested, it is impossible to refute the Somali statement that the results were unrepresentative of the people's wishes. . . . Whether the Afars outnumber the Somalis or not is beside the point as long as colonial repression remains. This cannot be in the Afars' interests any more than those of the Somalis. However, the former may have voted under French persuasion in the referendum."

218. The *Al Goumhourya* of the United Arab Republic, in its issue of 21 March 1967, had commented:

"France has falsified the French Somali Coast's wish for independence, not only by jailing Opposition party leaders, but by falling back on the most vile methods used by colonialists, provoking conflicts between ethnic groups."

219. In a similar tone, the Tanzanian paper *Nationalists*, in its issue of 27 March 1967, had commented:

"The so-called referendum was conducted with the country, and the capital in particular, in a virtual state of siege by French paratroops. France as a colonial power has in the past earned the reputation of sublime indifference to nationalist campaigns for independence. But she has invariably lost, from Indochina to Algeria. This is a lesson which she should now recall."

220. The Kenyan *Daily Nation* of 21 March 1967 had observed:

"Results of the referendum in French Somaliland will hardly abate the state of ferment which besets that country. It cannot be seriously asserted that the referendum which was held at the weekend was conducted in an atmosphere free of official intimidation, nor that it offers a final answer to the nature of Government in that region . . . [violence] should be avoided. . . . One way of doing this is to force the French to conduct another referendum under the supervision of the United Nations. Thereafter, the world organization should investigate ways and means of working out a meaningful solution."

221. The *Times* of London, in its issue of 30 March 1967, had been equally critical and had stated:

"The voting pattern in the electoral districts showed that in many areas where only Afars live, 100 per cent of the registered vote was cast for France. Such a result can

only have been organized. No supervisory commission, from the United Nations or elsewhere, would have accepted the result without reserve."

222. The *Washington Post*, in its issue of 20 March 1967, had commented as follows:

"The referendum, in which the 39,000 voters were asked to decide 'yes' or 'no' to continued French rule, was held against a background of threatened violence, and the balloting was marked by minor demonstrations and a massive French show of military force."

223. In a more forceful tone, the same paper in its issue of 23 March 1967, had commented:

"In less time than a week, France has demonstrated its determination to hang on to its last colony in Africa and has proved it can savagely crush any challenge to its authority. The very harshness of the crackdown—the machine-guns, the tear gas, the massive presence of troops, the knocks on the doors, the temporary concentration camps, the deportations, the shots in the dark during rigid curfews has ensured that French Somaliland will remain a hot spot and an occupied territory. This solution bears little resemblance to the one prescribed by President de Gaulle last August when he promised the territory's rioting inhabitants self-determination and a free and fair choice for independence. Nor has its application in the last few days been pleasant to witness. . . . When voting requirements were finally established and the list of eligible voters compiled, it became clear that the French could not lose. Although Somalis comprise at least 50 per cent of the population, the rival Afar tribe was given a 60 per cent majority on the voting rolls. Not surprisingly, the final returns from the referendum showed a 60 per cent majority for continued French rule."

224. The *New York Times* of 21 March 1967, in its criticism of the referendum, had stated:

"The French Somaliland referendum was confused, messy and, in the end, bloody, with familiar displays of brutality by the Foreign Legion."

225. The electoral system was based ostensibly on universal suffrage. However, out of a total population of 125,000, according to French sources, less than 40 per cent of the local population was registered as indigenous. While the bulk of the local population were arbitrarily disenfranchised and categorized as foreigners, French people who had no national allegiance to the territory were automatically entitled to voting rights. The irony of granting a vote to a Frenchman as soon as he stepped off the boat in Djibouti, but refusing the vote to the genuine citizens of the territory, whose fathers and forefathers were born there, needed no comment.

226. It might be asked how, with universal suffrage, such totally disproportionate representation could occur. The answers were several. First, the vote was given to the non-indigenous French population, which, in Djibouti alone, numbered about 6,000. Secondly, the vote was also given to the French Army stationed in the Territory,

numbering 5,000 men. Thirdly, the vote was denied to thousands of progressive pro-independence elements by alleging that they were "foreigners", not born in the Territory. Fourthly, the French authorities, again on the pretext that the pro-independence people were "foreigners", were pursuing a persistent and calculated policy of expelling them, it being estimated that between 12,000 and 18,000 such people had been expelled in that way. Fifthly, the redistribution of seats resulting from the electoral reform of 1963 had been designed purposely to serve French interests in maintaining the *status quo*. Sixthly, the French did not hesitate to resort to coercion and threats to terminate the jobs of so-called anti-French elements.

227. It was for all those reasons that the Somali Government believed that the elections conducted under the existing electoral system, as well as the procedures adopted, not only were irregular, unjust and undemocratic, but they did not in any way ensure the equitable representation for the various population groups. To cite a clear example: in the elections held in the Territory on 18 November 1973, strong criticisms and objections had been validly raised against the irregularities in the electoral campaign and the electoral process applied by the French administration. LPA, the leading Opposition party, which, though popular, had failed to win a single seat, had denounced the electoral irregularities perpetrated by the colonial administration in various ways, such as "control", "padding the ballot box", "refusal to inscribe candidates on the Opposition list". It was significant to note that those "irregularities" had been confirmed by Mr. Florian, the representative of the Executive Committee of the French Socialist Party, who had been in the Territory at the time of the elections. In his official report he had cited a multitude of cases which would have justified an appeal for annulment before the French Conseil d'Etat. The French Socialist Deputy, Mr. Gaston Defferre had been equally critical of the manner in which the 1973 elections had been conducted and he had drawn the attention of the French Secretary of State for Overseas Departments and Territories to some authoritative reports, which had confirmed that the local territorial and French authorities had set up blockades throughout the Territory, and that such steps had made it impossible for the Opposition to participate in the election campaign. The French Socialist Deputy had rightly referred to those undemocratic measures as "practices which are so divorced from constitutionality and democracy".

228. Regarding the current status of the Territory, the representative of France, in his statement, had given the misleading impression that the Territory enjoyed internal autonomy and that plans were under way for the progressive evolution of the Territory towards independence. In order to throw sufficient light upon the constitutional status of the Territory, it was necessary to outline briefly the various stages of constitutional development since the Territory had fallen into the grip of French colonial rule.

229. Up until July 1967, the status of French Somaliland had been an "Overseas Territory within the French Community".

230. Prior to the 1958 French Constitution, the Overseas Territories had been those former colonies which had not been assimilated and which, therefore, had had a status

quite different from that of France. The *Loi-cadre* of 23 June 1956 had given such Territories a degree of autonomy and the 1958 Constitution had offered them the choice of either retaining their status, becoming an overseas department, or becoming a member State of the Community. French Somaliland had chosen to retain its status, so that its position, on the whole, remained as it had been under the law of 23 June 1956.

231. The autonomy of the Territory under that law had, however, been strictly limited. One French writer, Maurice Duverger, had rightly described it thus:

"But the competence of the autonomous territorial organs (Territorial Assembly and Government Council) applies only to the territorial services. A fundamental distinction is made by the law of 23 June 1956 between the territorial and the State public services. The list of the latter is rather long, and was extended by the law of 1956 to offset the autonomy granted in the management of the territorial services. The State services are: foreign relations; national defense; the judiciary, inspection of work, services assuring public safety and respect for the freedom of the citizens, exterior communications (air services, radio broadcasting), the treasury, credit, and foreign exchange; higher education, mixed-economy companies."<sup>6</sup>

232. Therefore, the status of the Territory under the 1956 law had been essentially the same as that of a British colony granted limited powers of self-government: clearly, matters of foreign relations, defence and many strictly "internal" matters had been entirely controlled by France, rather than by the political institutions of the Territory itself. It had been, in a word, "non-self-governing".

233. When, on 30 March 1964, the Chairman of the Special Committee had written to the representative of France requesting information on the Territories under French control to which the General Assembly resolution 1514 (XV) applied, the French reply dated 24 June had been that:

The communication in question obviously relates to the French and United Kingdom Condominium of the New Hebrides, the only Territory in respect of which the provisions of the Charter regarding Non-Self-Governing Territories still concern France."

234. That view had been rejected by the Somali Government. It had rightly been contended that French Somaliland was most certainly covered by resolution 1514 (XV), and for that reason the Somali Government had requested that French Somaliland be placed on the agenda of the Special Committee. The Somali Government had called upon the Special Committee to apply all its resources to the end of ensuring for the Territory the right of self-determination and independence.

235. Against that background regarding the constitutional developments of the Territory, it was to be observed that the Law of 3 July 1967, purporting to alter the status of

<sup>6</sup> Maurice Duverger, *Droit constitutionnel et institutions politiques* (Paris, Presses universitaires de France, 1959), p. 702.

the Territory, had not, in effect, introduced any changes of substance regarding the constitutional set-up of the Territory.

236. As explicitly stated in the report, of the Special Committee for 1974, the High Commissioner, who represented the French Republic, still retained extensive powers over “external relations, defence, law and order, control of immigration, currency, justice, radio and television”.<sup>7</sup> Furthermore, matters not specifically listed as within the competence of the Chamber of Deputies or the Government Council lay within the competence of the French Republic. The authority conferred upon the French Secretary of State for Overseas Departments and Territories “to annul any act of the territorial authorities”, on the request of the High Commissioner, emphasized the extensive power and control of the administering Power over the affairs of the Territory.

237. The 1967 referendum had demonstrated beyond doubt French colonial tactics and manoeuvres. Ever since French Somaliland’s first election in June 1957, which had given the Territory its first Territorial Assembly and Government Council, the French Government had adhered to one aim only, the maintenance of the *status quo*. To fulfil its colonial design, laws had been deliberately enacted to suppress all manifestations of opposition, on the one hand, and to encourage collaborators and puppets, on the other. There had been arbitrary interventions and numerous irregularities on the part of the local colonial administration, primarily to safeguard French interests. It was unfortunate that the statement made by the representative of France at the 2168th meeting, which was ambiguous in form and substance, had utterly failed to demonstrate any change in France’s traditional colonial policy over the Territory.

238. It was interesting to note that in the statement in question, as in similar official statements and declarations of the French Government in the past, the words “evolution” or “change of status” were used instead of “independence”. In essence, what the people were demanding was not “gradual evolution” or “change of status”, but full and unconditional independence.

239. It was a matter of great satisfaction to his Government that the question of so-called French Somaliland (Djibouti) was again being considered by the Fourth Committee after a period of eight years. For the whole of that period, the Somali Government had been engaged in serious negotiations with France regarding the future of the Territory, and since the peaceful initiatives of the Somali Government had unfortunately failed to provide fruitful results, it was more than ever necessary that the United Nations should take immediate and effective measures to work for the full and unconditional independence of the Territory.

240. The current debate should not be an occasion for indulgence in recriminations, and all the Committee’s efforts should be directed towards the support of the people of French Somaliland in the attainment of their

right to self-determination and independence. However, the Committee could proceed only on the basis of facts, and if the facts themselves were critical of certain attitudes and policies, the facts must be allowed to speak for themselves.

241. The serious repercussions of the double standard in the colonial policies pursued by the French colonial authorities, which had been explicit in the statement of the French representative, continued to cause direct and grave concern not only to his Government but also to the international community as a whole. As was clear from the statements of the representatives of the liberation movements and the spokesman of LPA (2168th meeting) and from past debates on the question, there was a strong desire for self-determination and independence among the people of the Territory; but the aspirations of the majority of the people had been, and continued to be, suppressed in a number of ways by the French administration and by the so-called local Government of the Territory.

242. Such a serious situation was naturally of great concern to Somalia, a neighbouring country with strong historical, ethnic, cultural and religious ties with the people of so-called French Somaliland (Djibouti). Somalia’s paramount interest, however, as it had always stressed, was to ensure that the people of the Territory should be given the opportunity to exercise freely and fully their right to decide their future destiny without any external pressure or interference. Significantly, successive Somali Governments had, since the attainment of Somalia’s independence in 1960, followed that line of approach regarding the future of the Territory. Thus, in 1966, the Somali Government of the time had announced publicly, just before the referendum in so-called French Somaliland (Djibouti): “We only want to see them [the people of the Territory] free and independent, in unity under the flag of their choice.”

243. His Government had not departed from that basic policy since then. It believed that the people of French Somaliland had for too long been denied their inalienable right to independent nationhood and that it was time for the world community to renew its unqualified support for their sacred cause of self-determination and full independence.

244. The necessity of supporting the struggle for the people of the Territory for national independence had been strongly reaffirmed in 1975 at the twelfth ordinary session of the Assembly of Heads of State and Government of OAU, held at Kampala from 28 July to 1 August 1975, and at the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima from 25 to 30 August 1975. At both those meetings, Somalia and Ethiopia had pledged themselves to renounce any historical claims they might have had over that Territory. His delegation hoped that the Committee would recommend to the General Assembly that it call upon France to grant immediate and unconditional independence to the people of the Territory in accordance with General Assembly resolution 1514 (XV) of 14 December 1960.

245. In considering the question of so-called French Somaliland (Djibouti), there were several issues that needed to be studied and discussed with frankness and sincerity. First of all, the Territory was recognized by the United

<sup>7</sup> See *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23*, chap. XIV, annex, para. 4.



Nations as a typical colony, since France controlled not only external relations and defence but also immigration, law and order, and currency. In addition, the decisions of the Chamber of Deputies and Government Council had to be ratified by the French High Commissioner and could be overruled by the French Government in Paris.

246. Secondly, it must be kept in mind that the referendum of 1967, which constituted the basis for the present constitution, had been held under conditions which objective observers from many countries, including France, had described, to put it as mildly as possible, as highly irregular, undemocratic and oppressive.

247. The French-created party that had come to power at that time continued to control the Chamber of Deputies, but as could be seen from the Special Committee's report for 1974,<sup>7</sup> the last elections had been characterized by the same pattern of irregularities evidenced in the past, which again had resulted in maintaining pro-French elements in power and hence keeping the colonial system intact.

248. That unhappy situation gave rise to the fear that, if France was prepared to negotiate independence for the Territory, it would do so not with the leaders and responsible authorities broadly representative of the people in different walks of life, but with those subservient elements who were subject to French influence and pressure rather than responsive to the true interests of the people as a whole. For example, when at the request of the Malagasy Government French troops had been withdrawn from that country, the French Government had planned to have those troops stationed in Djibouti, and it was in response to France's request that the leader of the local régime, Mr. Ali Aref, as expected, had blindly accepted that dangerous military project. It was well known that France had maintained a foothold in the last of her colonial Territories in Africa for strategic reasons and it was obvious that any increase in its already strong military presence in Djibouti would be a move away from the concept and attitude towards real independence for the Territory.

249. His Government, therefore, stressed—as it had at the time of the referendums of 1958 and 1967—that an atmosphere of political freedom, where all views could be taken into account, must be created as a basis for any valid political change which could lead the Territory to a meaningful independence. Otherwise there was bound to be a danger that an apparent grant of independence would be compromised by agreements or arrangements whose aim was to maintain the *status quo* under a different name. Experience had shown that the conclusion of such imposed agreements on people against their will could give rise to dangerous repercussions of far-reaching consequences.

250. The most prominent factor of the unsatisfactory situation in French Somaliland was the French administration's deliberate colonial policy of "divide and rule". That policy consisted in emphasizing tribalism, fostering ethnic differences and making them a divisive factor in every sector of the people's life. The dangerous effects of such heinous policies were well known and there was no need to elaborate on them.

251. In pursuance of its colonial policy of "divide and rule", the French administration had systematically

adopted undemocratic procedures by rigging elections and by playing one faction of the local population against the other. One of the tragic consequences of that repressive policy was the harassment and deportation of the thousands of people from their homeland—and those were the very people who had had the courage and determination to support the legitimate struggle for self-determination and independence.

252. His delegation hoped that the Committee would recommend to the General Assembly that it should call on France to end its discriminatory policies against the supporters of independence and to take immediate steps to create a political climate whereby the aspirations of all the people could be given free expression that would enable those citizens who had been unjustly deported to return to their Territory without intimidation or fear of arrest.

253. The divisive tactics of the French administration were also evident in the change of the name of the Territory from French Somaliland—or French Somali Coast—to the French Territory of the Afars and Issas. It would be recalled that it was the French Government which, by virtue of its decree of 1896, had given the Territory the name *Côte française des Somalis et dépendances*. His Government held no particular brief for the name "French Somaliland". It would be for the people of the Territory to decide on the name they considered fit and proper. The adoption of the present nomenclature—the Territory of the Afars and Issas—was a blatant and calculated design aimed at encouraging and promoting division and separation between the two principal communities in the Territory, namely, the Afars and Somalis—a homogenous people who had always had their own traditions, their own religion, their own culture, language and social organization, which were common to them. The historical record also showed that the Afars and the Somalis had lived together as one people in the Territory for more than five centuries. They had, it was true, maintained separate identities and their relationship had not been without occasional differences. However, those differences had been comparatively minor ones in the sense that they had been family quarrels and they had been outweighed by the identity of ethnic, linguistic, cultural and religious ties between them. Indeed, the Afars and Somalis had a much closer relationship than most of the distinct peoples who made up the citizens of many independent countries and by and large they provided a noteworthy example of ethnic groups coexisting in the same territory with mutual acceptance.

254. In that connexion, he felt bound to clarify the Somali Government's attitude towards the Afars, the brothers of the Somalis, in view of the fact that it had been claimed in some quarters that in supporting the independence movement Somalia had a policy of partisanship with the Somalis as against the Afars. That allegation Somalia rejected categorically.

255. His Government made a clear distinction between the Afar people, whom it viewed as brothers with a common culture, tradition and religion, and that handful of mis-led, ill-informed and self-seeking elements. It certainly gave no credence to the French position that the existence of two ethnic groups in the Territory was a stumbling block to

independence. The political expediency of that manoeuvre became apparent when it was realized that the alleged hostility between the two groups was entirely a French fabrication. If the presence within one territory of different peoples was a disqualification for nationhood, then few of the world's countries, including France, would qualify for such status.

256. The French authorities had also maintained in the past that rival external claims from Ethiopia and Somalia could create a dangerous situation if the Territory were granted independence. He again pledged his Government's support for the unconditional independence of the Territory and, on its behalf, he further pledged that the Somali Democratic Republic would respect the sovereignty of the Territory once it had achieved independence and would not hesitate to extend to it its fullest co-operation and support.

257. It might be appropriate to repeat what, in 1967, the Somali Government, speaking on the relations between Ethiopia and would-be independent French Somaliland, had stated: "There is no reason why French Somaliland, once independent, would be unfriendly to Ethiopia." In any event, the Somali Government maintained, as it had always done in the past, that the issue of so-called French Somaliland (Djibouti) must not be viewed as a dispute between Ethiopia and Somalia. The issue remained purely one of decolonization and self-determination.

258. Independence for the people of so-called French Somaliland (Djibouti) was still an issue, indeed, a fundamental issue, and its realization was long overdue. Nothing stood in its way except the colonial interest of the administering Power, and General Assembly resolution 1514 (XV) specifically excluded the validity of such interests when they conflicted with the aspirations of peoples to independence.

259. Somalia's policy all along was aimed at exerting pressure upon France to grant independence to so-called French Somaliland so that the Territory, like other former French colonial territories in Africa and elsewhere, would gain independence and continue to enjoy the economic and technical co-operation with France.

260. Those persistent efforts had, as their basic aim, the commencement of independence negotiations with the French Government on the complete and unconditional independence of French Somaliland. The Somali Government had on numerous occasions stated, and it now reaffirmed, that it had no intention of annexing the Territory. Its only interest was to see the Territory fully independent. The President of the Supreme Revolutionary Council of the Somali Democratic Republic in his address to the latest Assembly of Heads of State and Government of OAU, held at Kampala, had reaffirmed Somalia's support for an unconditional independence for the Territory and urged the Assembly to take the necessary action so that France's last colony could take its rightful place among the community of nations.

261. Despite all those efforts of the Somali Government and the pressure of the international community, particularly under the auspices of the United Nations, which in the past had adopted so many resolutions on the item, the

French Government had not as yet changed its attitudes and policies towards the Territory. One wondered why France, which had always claimed to be a champion of western democracy, and the advocate of progressive philosophical thought in Europe, should turn a deaf ear to the persistent demands of the people of so-called French Somaliland (Djibouti) for human dignity, self-determination and independence.

262. Somalia viewed with serious concern that part of the statement by Mr. Pierre Messmer in which he attached a condition of five years of French guarantees allegedly aimed at protecting the country's territorial integrity and sovereignty after independence. Somalia categorically rejected such an erroneous proposition, first, because such a condition would render independence meaningless and, secondly, it failed to understand the reason for which the proposed five-year guarantee was required.

263. It was incumbent upon the Committee to recommend that urgent and effective measures be taken to deal with the situation in French Somaliland. France must pledge its willingness to co-operate with the United Nations and grant immediate and unconditional independence to the Territory. As to the modalities of granting independence, a constitutional conference should be convened, as a matter of urgency, and leaders of all political parties and the liberation movements should be invited to participate on an equal footing.

264. Somalia further proposed that France, in order to demonstrate to the world its good faith, should invite observers from the United Nations and OAU to witness the manner in which the independence negotiations were conducted.

265. Such a proposal, if accepted, would not only dispel any doubts about the intentions of the administering Power but, more importantly, it could guarantee that political power was handed over smoothly and peacefully to the true representatives of the people.

266. The Minister for Foreign Affairs of France had stated at the 2364th plenary meeting that France had a progressive policy of respect for the right to self-determination. France had indeed shown such respect with regard to all its other former colonial Territories in Africa. The Somali Government hoped that it would also respect the wishes of the people of so-called French Somaliland (Djibouti) and grant unconditional independence to the Territory without delay.

267. Mr. DE LATAILLADE (France), speaking in exercise of the right of reply, said that the statement by the representative of Somalia had dealt mainly with the past, when the fact was that the Committee was concerned mainly with the future of the Territory. He would, however, reserve the right to deal later on with some of the more positive passages in that statement.

268. Contrary to what the representative of Somalia had said, the statement made by his delegation at the 2168th meeting had not been in any way ambiguous. He reiterated what his delegation had said on that occasion, namely that, if the population of the Territory expressed the intention

of opting for independence, France would not fail to facilitate its accession to independence, without there being any need for pressure. He also reiterated that, in the light of statements made in that connexion by representatives of the Territory, the President of the French Republic

intended to receive those representatives before the end of the year to discuss such problems with them. It was impossible for him to be any clearer.

*The meeting rose at 8.05 p.m.*

## 2171st meeting

Wednesday, 19 November 1975, at 10.50 a.m.

*Chairman:* Mrs. Famah JOKA-BANGURA (Sierra Leone).

A/C.4/SR.2171

### AGENDA ITEM 93

**Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*)**  
(A/10329, A/C.4/L.1111)

#### CONSIDERATION OF DRAFT RESOLUTIONS

1. The CHAIRMAN informed the Committee that the delegations of Austria, Canada, Egypt, Indonesia and Zambia had joined the sponsors of draft resolution A/C.4/L.1111.

2. If there were no comments, she suggested that the consideration of the draft resolution should be continued at the next meeting.

*It was so decided.*

### AGENDA ITEM 92

**United Nations Educational and Training Programme for Southern Africa (*continued*)** (A/10331, A/C.4/L.1107, A/C.4/L.1108)

#### CONSIDERATION OF DRAFT RESOLUTIONS (*concluded*)

3. Mr. GADGIL (India) said that he welcomed the progress noted in the report of the Secretary-General on the United Nations Educational and Training Programme for Southern Africa (A/10331) with respect to the total number of scholarships granted and the total amount of financial contributions. His delegation believed that the Programme was useful and constructive in that it helped nationals of Territories still under colonial domination to prepare themselves to administer their own countries after independence.

4. India had given its full support to the Programme since its inception, but because of a lack of foreign exchange it had been compelled to restrict its cash contributions. However, it had given scholarships for study in educational institutions in India to a number of persons from southern Africa. Of the 74 students who had been studying in the entire continent of Asia during 1974 and 1975, 35 had

been studying in India on scholarships granted by the Government of India. His delegation wished to commend the Chairman of the Advisory Committee on the United Nations Educational and Training Programme for Southern Africa and the administrators of the Programme in the Secretariat for their efforts in behalf of the Programme.

5. His delegation endorsed the recommendations of the Evaluation Group contained in paragraph 27 of the Secretary-General's report. It wished, however, to stress that in its view the Programme was not merely a form of humanitarian assistance but a technical assistance programme, which was intended for nationals of Territories bound to attain independence in the near future and which aimed at providing those Territories with the trained manpower they would need when independent in order to embark on the task of reconstruction and development. Consequently, the Programme should be oriented towards the developmental needs of the countries concerned and should also place some emphasis on training in public administration. The fact that the Programme had given more scholarships for study in scientific fields and for research in subjects of interest to the Territories concerned should be welcomed.

6. He felt that the Programme should give as much aid as possible to Namibian refugees in Zambia and, in particular, should help them learn English, of which they had a very poor command. India, for its part, had offered scholarships to 150 Namibians for training in India. The amount of the stipend granted to scholarship holders should not be so large as to discourage graduation and commencement of remunerative work. His delegation endorsed the appeal of the Secretary-General for more generous contributions during the next year—contributions which, it should be pointed out, could be offered in kind in the form of places in educational institutions.

7. His delegation fully supported draft resolution A/C.4/L.1107.

8. The CHAIRMAN said that, if there were no comments, she would take it that the Committee wished to adopt draft resolution A/C.4/L.1107.

*The draft resolution was adopted without objection.*