

United Nations
**GENERAL
ASSEMBLY**

TWENTY-SECOND SESSION

Official Records

**FOURTH COMMITTEE, 1743rd
MEETING**

Friday, 8 December 1967,
at 3.20 p.m.



NEW YORK

CONTENTS

	Page
<i>Agenda item 23:</i>	
<i>Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: Territories not considered separately (continued)</i>	
<i>General debate and consideration of draft resolutions (continued)</i>	417
<i>Hearing of petitioners from Anguilla</i>	429
<i>Requests for hearings (continued)</i>	
<i>Requests concerning Gibraltar (agenda item 23)</i>	432

Chairman: Mr. George J. TOMEH (Syria).

AGENDA ITEM 23

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: Territories not considered separately (continued)* (A/6661, A/6662, A/6700/Rev.1, chaps. VIII-XII and XIV-XXIII; A/6802, A/6845, A/6876, A/6882, A/C.4/694/Add.2 and 3, A/C.4/695 and Add.1, A/C.4/L.876 and Add.1-3, A/C.4/L.877)

GENERAL DEBATE AND CONSIDERATION OF DRAFT RESOLUTIONS (continued) (A/C.4/L.876 AND ADD.1-3, A/C.4/L.877)

1. The CHAIRMAN announced that 804 cables concerning the question of Gibraltar addressed to the Chairman of the Fourth Committee had been received within the past few weeks. Of that number, 785 were from individuals and organizations in Spain; they were similar in substance and expressed support for the Spanish position on the question. Nineteen cables were from various institutions and organizations in Gibraltar and expressed support for Sir Joshua Hassan and Mr. Peter Isola, Chief Minister and Deputy Chief Minister respectively, as the representatives of the people of Gibraltar in their stand concerning self-determination for the inhabitants of the Territory. The Secretariat had informed him of the receipt of seventeen additional cables concerning the question of Gibraltar addressed to the Secretary-General. Of that number four were from Spain and supported the

Spanish position; thirteen were from Gibraltar and expressed support for the position of the Chief Minister and the Deputy Chief Minister of Gibraltar. All those cables were in the Secretariat files and were at the disposal of any member who wished to examine them.

2. Mr. DE PINIES (Spain) said that on 1 September 1967 the Special Committee had adopted the resolution on Gibraltar (A/6700/Rev.1, chap. X, para. 215) which, together with the report of that subsidiary organ of the General Assembly, was submitted for the consideration of the Assembly through its Fourth Committee. On that date he had had the honour, on behalf of Spain, to accept the resolution. His country had thus marked its conformity with the course set by the United Nations for putting an end to that colonial situation.

3. The United Kingdom however did not seem to be in agreement with the Special Committee's decision, for on 26 September 1967, speaking at the 1567th plenary meeting of the General Assembly, Mr. George Brown, the Secretary of State for Foreign Affairs, had condemned not only the resolution of the Special Committee but the Committee itself, which he had accused of partiality, forgetting that the United Kingdom had been represented in the Committee since its establishment, while Spain had not. The United Kingdom had now submitted a draft resolution (A/C.4/L.877) to which he would refer later and the adoption of which would amount purely and simply to a disavowal of the Special Committee by the Fourth Committee.

4. The reasons on which the United Kingdom had based its rejection of the Special Committee's resolution were in his opinion one more proof that that country was trying by every means at its disposal to maintain its position in Gibraltar. He therefore thought it desirable to explain to the Fourth Committee the reasons why Spain accepted the Special Committee's resolution which was now incorporated in the draft resolution sponsored by Argentina and some other countries (A/C.4/L.876 and Add.1-3), just as it had accepted the consensus of the Special Committee of 16 October 1964^{1/} and General Assembly resolutions 2070 (XX) and 2231 (XXI).

5. The first reason was based on the clarity of the resolution itself. Indeed, that resolution and all the preceding decisions constituted a body of doctrine which provided a means of putting an end to that particular colonial situation in a just and civilized way.

6. It was not for Spain to defend the Special Committee against the attacks that had been made on it in the General Assembly. He considered that the Special

^{1/} Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 8 (part I), document A/5800/Rev.1, chap. X, para. 209.

*Resumed from the 1741st meeting.

Committee, whose Chairman was a man of great political talent, was perfectly able to defend itself unaided. He did, however, think it necessary to point out that, so far as Gibraltar was concerned, the Special Committee had had at its disposal all the necessary information for adopting a decision that met the needs of the colonial situation in Gibraltar.

7. It might be asked what the Special Committee had done about the situation in Gibraltar. It had been studying that situation since 1963. It had been kept informed of the vicissitudes of the Hispano-British negotiations which had been requested in 1964. It had heard petitioners from Gibraltar and its Camps. Once the truth of the situation had become known, it had pointed out the appropriate course to be followed for the purpose of applying the principles of General Assembly resolution 1514 (XV) to that particular case. The resolution which the Special Committee had adopted on 1 September could not be condemned without at the same time condemning the work of the Special Committee, for it was a logical consequence of the previous decisions on the subject. It expressed clearly and specifically what had been said and decided.

8. By its resolution 2070 (XX), which ratified the consensus of the Special Committee of 16 October 1964, the United Nations had in fact stated the view that the decolonization of Gibraltar should be effected by a solution negotiated between Spain and the United Kingdom, a solution which would be in accordance with the provisions of resolution 1514 (XV) and which would take into account the interests of the inhabitants of Gibraltar. Resolution 2231 (XXI) had repeated the same thing, but more explicitly, for it had urged the decolonization of Gibraltar and expressed regret at the difficulties placed by the United Kingdom in the way of the negotiations recommended by the United Nations. In recommending to his country and the United Kingdom that they should take the interests of the inhabitants of Gibraltar into account, it precluded the possibility that the principle of self-determination could be applied to those inhabitants, just as that possibility had been precluded in the 1964 consensus of the Special Committee, which had been ratified by resolution 2070 (XX).

9. In the statement he had made in the Special Committee on 22 August 1967 (A/AC.109/SR.543), he had pointed out that resolution 1514 (XV) set forth the two basic principles on which the whole decolonizing process must be based. One of them, the principle of self-determination, expressed in paragraph 2 of resolution 1514 (XV) and supplemented by paragraphs 3, 4 and 5, had been rightly considered by the United Nations not to be applicable to the particular case of Gibraltar. It was obvious that only paragraph 6, in conjunction with paragraph 7, of the above-mentioned resolution offered a solution to the problem of Gibraltar. Paragraph 6 said that: "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations". The colonial situation in Gibraltar gave rise to the disruption of the territorial integrity of Spain. Until that disruption ceased, the colonial situation in Gibraltar would persist, no matter in what way it was disguised.

10. The United Kingdom itself had recognized that self-determination was not a viable formula for putting an end to the colonial situation in Gibraltar and the Foreign Secretary had told the Spanish Minister for Foreign Affairs on 18 May 1966 that the population of Gibraltar would not be turned into a third party in the dispute. It had explicitly made that admission in the Special Committee and in the Fourth Committee itself, as also in a series of official documents which had been communicated to the Spanish Government and to the United Nations. He would mention only one of those documents, the last, which had been communicated to U Thant in his letter of 17 August 1967 (see A/6700/Rev.1, chap. X, annex I, para. 27). In that document, the United Kingdom Government explained the purpose of the referendum which it had decided to hold in Gibraltar and stated that the referendum in question would in no case affect the Treaty of Utrecht, the anachronistic treaty which was the source of the colonial situation in Gibraltar.

11. Since, therefore, the application of the principle of self-determination in the case of Gibraltar had been excluded by the United Kingdom itself, there was no other way open than that of applying the second great decolonizing principle: that appearing in paragraph 6 of resolution 1514 (XV). It appeared, however, that the United Kingdom rejected the application of that paragraph too, basing its attitude on a theory expounded by the United Kingdom representative in the Special Committee on 22 August. He would make some comments on that theory.

12. The United Kingdom representative claimed that paragraph 6 of resolution 1514 (XV) gave the United Kingdom justification for its invasion northwards from Gibraltar across the isthmus which connects the Rock to Spain, so as to legalize an encroachment on Spanish territory which had not been ceded either at the time of Utrecht or at any other time, though the United Kingdom was aware that Spain was sovereign over that part of the Isthmus. That was the kind of justification for force with which the United Kingdom had made the world so familiar in the course of history.

13. There was no need to point out that the Spanish Government had no intention of disrupting the territorial unity of Gibraltar, an operation which would, incidentally, be difficult since, as the Fourth Committee was aware, Gibraltar was a rocky promontory on one of whose slopes the single town of Gibraltar was situated. The promontory was joined to Spain by a sandy isthmus which had never been ceded to the United Kingdom. At the end of the last century, and for humanitarian reasons, the colonial authorities had been permitted to install temporarily in the southern part of the isthmus a number of clearing hospitals for the purpose of isolating the population of Gibraltar on account of an epidemic of yellow fever with which it had been stricken. The British had remained there by force, disregarding Spanish protests. They had not done so as the sovereign Power, but on that usurped square kilometre of Spanish territory there were now a military aerodrome, RAF installations, the British police station and a cemetery. Only a few Gibraltar families were living on that bit of the isthmus, which in practice was to be used for the purposes of air support for the British military base. It

was difficult to know how to describe the claim that paragraph 6 of resolution 1514 (XV) had, as a matter of history, been drafted for the purpose of protecting a British military aerodrome installed on Spanish territory.

14. Leaving aside that absurd claim made by the United Kingdom representative in the Special Committee, he would now remind Mr. Luard that the sponsors of resolution 1514 (XV) had regarded paragraph 6, which, after all, was a development of Article 2, paragraph 4, of the Charter of the United Nations, as providing a just and correct means of putting an end to past, present and future colonial systems which disrupted the national unity and the territorial integrity of any country, whether sovereign or not. The eleventh preambular paragraph of resolutions 1514 (XV) said that "all peoples" — and he would stress the word "all" — "have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory". He did not understand, therefore, why Spain should be denied that inalienable right, as the United Kingdom representative wished to do.

15. In a paper entitled "Las Naciones Unidas y la descolonización", published in Montevideo in 1964, Mr. Velázquez, the Uruguayan Ambassador who had for several years been Vice-Chairman of the Special Committee, examined the history of paragraph 6, and made it quite clear that the sponsors of resolution 1514 (XV) had maintained contentions very different from the one advanced by the United Kingdom representative.

16. As the Committee was aware, some seventy speakers had taken part in the discussion, at the fifteenth session of the General Assembly, of the draft resolution submitted by forty-three Afro-Asian countries which had subsequently become resolution 1514 (XV). The representative of Guatemala had wished to add after paragraph 6 of the resolution a further paragraph reading as follows: "The principle of the self-determination of peoples may in no case impair the right of territorial integrity of any State or its right to the recovery of territory".^{2/} Some of the sponsors, including the representatives of Indonesia and Iran, had pointed out to the Guatemalan representative that the idea expressed in his amendment was fully recognized in the draft resolution. Having been convinced that that was so, the Guatemalan representative had withdrawn his amendment.

17. In commenting on the history of paragraph 6, Professor Velázquez said that "the strict application of the principle of self-determination would settle the fate of those territories" — including the Falkland Islands (Malvinas), West Irian and Gibraltar — "in the possession of a small group of settlers whom the conquering Power had placed there, with the result that the indigenous population had in most cases had to withdraw. Since there could be no doubt what the results of 'plebiscites' carried out in those circumstances would be, the principle would thus serve to legalize a situation of force which could only be regarded as contrary to international law." That criterion had also been upheld by all the American coun-

tries at the Tenth Inter-American Conference at Caracas in 1954 and had been embodied by the Latin American Parliament at Montevideo in 1967 in a resolution reading as follows:

"The Latin American Parliament, on behalf of the peoples of America and as a genuine expression of their democratic feeling which is contrary to any survival of colonialism, resolves:

"1. to express, reaffirming the Declaration of Lima, its desire that all foreign dominion over American territories should cease, so that the territories in question may come again under the sovereignty of their own peoples;

"2. to proclaim its complete solidarity with the desire of Spain that its legitimate rights over Gibraltar should be recognized;

"3. to express its support for the resolution adopted at the twenty-first session of the General Assembly of the United Nations that there should be no delay in the negotiations being conducted for that purpose by the Governments of Spain and the United Kingdom;

"4. to express its fervent hope that the result of these negotiations will redound to the honour of the noble British nation and will mean the end of an anachronistic colonial situation and the return to Spain of that portion of its soil which is Gibraltar;

"5. to transmit the present resolution to the Governments of Spain and the United Kingdom, and to the Secretary-General of the United Nations."

The Latin American Parliament included representatives of all political parties in the parliaments of all the Latin American countries.

18. It was obvious therefore that the colonial situation in Gibraltar disrupted the national unity and the territorial integrity of Spain, and Spain was the only victim of that colonial situation. The fact that Spain was a sovereign State did not make it any the less a victim of that situation, just as it had not prevented the Spanish nation, a nation which went back into the dawn of history, from being practically a colony of Great Britain in the nineteenth century. The return of the Territory of Gibraltar to Spain would mark the end of that colonial dependence. All those considerations had doubtless been borne in mind by the Special Committee when, in the preamble to the resolution adopted on 1 September 1967 which the Fourth Committee was considering, it had stated that "any colonial situation which partially or totally disrupts the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations and specifically with paragraph 6 of General Assembly resolution 1514 (XV)". In consequence of that preambular paragraph, the Special Committee had drawn attention, in operative paragraph 3 of the resolution, to the need for putting an end to the colonial situation in Gibraltar.

19. That the colonial situation in Gibraltar would not be liquidated until Spain's national unity and territorial integrity had been restored was a clear statement by

^{2/} Ibid., Fifteenth Session, Annexes, agenda item 87, document A/L.325.

the Special Committee with which Spain was completely in agreement.

20. He would also venture to say that any United Kingdom representative who was consistent with himself must, at the bottom of his heart, be in agreement with that conclusion. On page 66 of a book entitled *Peace and Opinion*, published in 1962 by the Oxford University Press, Mr. Evan Luard, now United Kingdom representative in the Fourth Committee, had said that "a plea for self-determination therefore can only be judged on practical, rather than sentimental, grounds"; and he had added "... where dependence seems inevitable, a form of dependence that is based on geographical links rather than historical ties may prove in the long run a more enduring one". On page 59 of the same book, it was stated that the claim in Gibraltar is based "on geographical grounds".

21. The second reason why Spain had accepted the resolution of the Special Committee, now incorporated in the draft resolution sponsored by Argentina and other countries, was that the resolution expressed regret for the interruption of the negotiations which were recommended in resolutions 2070 (XX) and 2231 (XXI).

22. In his letter to the Secretary-General dated 25 October 1967 (A/6876), the Permanent Representative of the United Kingdom to the United Nations transmitted a report to the Special Committee in which it was acknowledged that the United Kingdom had interrupted the negotiations, but an attempt was made to justify the interruption on the grounds that a prohibited air zone had been established near Gibraltar. In his statement in the Special Committee on 28 August (A/AC.109/SR.546), the representative of Tunisia had said that, in establishing a prohibited air zone in the immediate vicinity of Gibraltar, Spain had acted in absolute conformity with its right of sovereignty. In no case could the establishment of such a zone be interpreted as an act which might have endangered the success of the negotiations that were to have started on 18 April.

23. In practice, the Government of Her Britannic Majesty had interrupted what had never been started. As he had explained in the Fourth Committee on 14 December 1966 (1671st meeting), the negotiations which had begun on 18 May of that year in compliance with resolution 2070 (XX) had not reached the point of taking up the subject of the decolonization of Gibraltar. The proposals made by Spain to that effect had not received any reply and in the course of four meetings between Spanish and British experts the latter had merely explained the scope of the sovereign rights over Gibraltar which had been acquired, so they alleged, under the Treaty of Utrecht; the United Kingdom had finally proposed that the item on the colonial situation in Gibraltar should be withdrawn from the agenda of the General Assembly and submitted to the International Court of Justice.

24. General Assembly resolution 2231 (XXI) of 20 December 1966, which did not support the United Kingdom's suggestion that the problem should be referred to the Hague Court, had never been implemented. Sixteen days after its adoption, the United Kingdom Government had informed Spain, in a note verbale of 5 January 1967, that the United Kingdom had ac-

quired certain rights over the air space adjoining Gibraltar, Spanish sovereignty over which the United Kingdom itself had never questioned. Only on 29 March 1967, more than three months after the adoption of resolution 2231 (XXI), had the United Kingdom Government indicated a willingness to consider the matter together with the Spanish Government, which in the course of those months had patiently endured repeated violations of its air space by British military aircraft following the humiliating, haughty, imperialistic note verbale of 5 January. The question arose what the United Kingdom Government was seeking to achieve by those acts. Its aim was certainly to provoke a violent Spanish reaction which would have relieved it of the obligation to comply with the United Nations resolutions. Since that reaction had not taken place, the establishment of the Algeciras prohibited zone had been the only excuse which the United Kingdom had been able to seize upon in order to interrupt the negotiations.

25. In five resolutions, the United Nations, acting through its appropriate organs, had stated that the United Kingdom and Spain should negotiate the liquidation of the colonial situation in Gibraltar. Spain had requested such negotiations on ten occasions and had never broken them off, despite the fact that, in the course of the negotiations, the United Kingdom had tried to snatch away from it, on 12 July 1966, a piece of territory adjoining Gibraltar and, on 5 January 1967, sovereignty over the air space in the vicinity of the Territory; that a referendum had been held unilaterally in Gibraltar under the guns of the Royal Navy; that the Gibraltar garrison had been reinforced; and that the United Kingdom was committing repeated, provocative violations of Spanish air space with its military aircraft.

26. The Spanish Government had not reacted violently to the violations of its air space because it hoped that the liquidation of the colonial situation in Gibraltar would, as had been recommended by the United Nations, put a stop to that state of affairs. The reason Spain had refrained from defending its rights by force was that it had been convinced that a dispute like the one with the United Kingdom could and must be resolved peacefully by the United Nations.

27. The third reason why Spain accepted the Special Committee's resolution of 1 September was that it stated that the referendum, ultimately held in Gibraltar on 10 September, "would contradict the provisions of resolution 2231 (XXI)". Neither the Special Committee nor Spain itself had condemned the holding of a referendum as a means of determining the views of a particular community on a political subject. What had been condemned was the pseudo-referendum held by the British in Gibraltar on 10 September, and it had been condemned precisely because, in the guise of democracy, the facts had been deliberately falsified.

28. He would not weary the Fourth Committee by repeating the arguments he had put forward in his statement of 22 August in the Special Committee to show that the referendum held in Gibraltar on 10 September had actually been carried out in contravention of resolution 2231 (XXI). On 28 August, in a magnificent statement in the Special Committee (A/AC.109/SR.546), the representative of Uruguay had provided

adequate proof that the referendum was contrary to the Treaty of Utrecht itself and to resolutions 1514 (XV) and 2231 (XXI). The records of the discussions of the problem of Gibraltar by the Special Committee during the previous August explained better than he could do himself why the joint draft resolution now under consideration contained an operative paragraph stating that the holding of the referendum contravened a clear decision of the General Assembly.

29. Despite the resolution adopted by the Special Committee, the referendum had taken place; he would like to comment briefly on some aspects of it.

30. As the Fourth Committee was aware, the referendum had been unilaterally decided upon by the United Kingdom Government on 14 June 1967. On that same day, and at the very moment when the United Kingdom Government had been announcing the decision in the House of Commons, the Foreign Office had been informing the Spanish Ambassador of its plan. The Spanish Government had not been consulted, nor had it been given an opportunity to express its opinion concerning the procedure to be adopted for determining the views of the people of Gibraltar or concerning the questions to be put to them. It was simply asked to accept a fait accompli and to cooperate in bringing it about, which it had naturally refused to do since it felt that the referendum violated resolution 2231 (XXI) in both form and substance. The Spanish Government had proposed to the United Kingdom Government, instead, that the two countries should work out a joint formula for consulting the people of Gibraltar on the interests which the United Nations had urged taking into account and which the Gibraltarians wished to see protected. The United Kingdom Government had rejected that proposal and gone ahead with its unilateral decision. As he had said, the referendum had been held on 10 September despite the resolution adopted by the Special Committee on 1 September.

31. As he had pointed out in the Special Committee on 22 August, only those inhabitants of Gibraltar whose names appeared in the register kept by the Military Governor had taken part in the referendum. According to the Gibraltarian Status Ordinance, 1962, "A Gibraltarian is a person who is registered as a Gibraltarian in the register". Section 10 of the Ordinance went on to say that the Governor in Council might, in his absolute discretion, order the registrar to delete from the register the name of any person who, in the opinion of the Governor in Council, had, within ten years of being so registered, shown himself to be disloyal or disaffected towards Her Majesty.

32. Under the legislation enacted by the British, any person born in Gibraltar on or before 30 June 1925 and his wife and legitimate descendants could be entered in the register. That date had been chosen because it was after 30 June 1925 that the first child had been born to one of the Indians and Pakistanis who had settled in the Territory during the first part of the present century. Even though the child was a British subject, the United Kingdom Government naturally did not wish it to enjoy the same privileges as the other British subjects who had been induced to settle in Gibraltar to take the places of the Spanish inhabitants expelled from the Territory and who

were apparently the only ones deserving the name "Gibraltarians".

33. Thus it was only loyal subjects of the Queen, persons whose loyalty had been established in advance by the British authorities, who had voted on 10 September. However, not all loyal subjects had voted. According to the report submitted by Ambassador Fowler, who had been designated by the United Kingdom Government to administer the referendum, there were 3,912 British subjects residing in Gibraltar who had not voted even though they had been eligible to do so. Most of them were unquestionably civil servants and military personnel, and it was proper that they had not taken part in the referendum. There were also, however, 181 Indian citizens, permanent residents of Gibraltar since the beginning of the century, who for the reasons already indicated, had not been permitted to vote any more than had the 272 Spaniards who had their homes in the fortress situated on Spanish soil. Also not permitted to vote in elections described by the United Kingdom Government as an important step towards the decolonization of Gibraltar had been the 5,000 Spanish workers, together with their families, who went to Gibraltar every day to work and had established the town of La Línea north of the Territory since they were not permitted to spend the night in Gibraltar, because it was feared that they would create another Spanish community. Nor had the descendants of the true Spanish inhabitants of the Territory, who were today scattered throughout the Campo de Gibraltar, been permitted to vote.

34. The representatives of New Zealand, Jamaica, Kenya and Pakistan, who had observed the referendum, and Ambassador Fowler, who had administered it, had reported to the Fourth Committee, through the United Kingdom representative, concerning the manner in which the referendum had been held. Neither Mr. Fowler nor the observers, however, had mentioned the military exercises staged by the United Kingdom on the day of the referendum. There had been two naval and air exercises in Gibraltar on that date. One of them, conducted exclusively by the United Kingdom forces and referred to as "Rock Haul", had involved an airlift between Gibraltar and the United Kingdom, which had resulted in new violations of Spanish air space by British military aircraft carrying soldiers and sailors. The airlift had begun on 9 September, the day before the referendum. In the second exercise, operation "Perfect Play", the British had been joined by Netherlands, Canadian, Norwegian, Portuguese and New Zealand naval and air units. At the time of the referendum, the people of Gibraltar had lived under the guns of thirty-eight warships. That might have been a coincidence, but it was a very suspicious coincidence, and it was even more suspicious that there was not a single word about those events in the reports submitted by the observers.

35. The observers also said nothing about what had been discussed in the interviews they had had with certain inhabitants of Gibraltar, to which reference was made at the end of their report. It would have been very useful for the Committee to obtain an accurate idea of the significance of the referendum and to know what some of the individuals interviewed had thought about it. It was known that one of them,

Mr. J. E. L. Triay, the author of a petition which was annexed to Mr. Fowler's report, had not felt that the referendum had served the interests of the people of Gibraltar. A letter by Mr. Triay published in the Gibraltar Chronicle on 6 November 1967 made one even more curious to know what he had said to the Commonwealth observers and to Mr. Fowler. The members of the Committee would be equally curious when he informed them that Mr. Triay, referring to his interview with the Commonwealth observers, had said that his part in the interview had consisted solely in replying to the observers' extremely pointed questions and that the interview had amounted to a cross-examination of a witness by four prosecuting attorneys.

36. The outcome of a referendum held in the circumstances he had just described should come as a surprise to no one. On 5 July the Gibraltar magazine, Social Action, had published the results of a poll conducted among residents of Gibraltar who were under twenty-one years of age and therefore not eligible to vote. The questions asked in the poll had perhaps been more honest than those asked in the referendum. Three hundred and fifty young people had been polled; in reply to the question whether or not they wished Gibraltar to remain a colony, 337 had said "yes", 9 had said "no" and 4 had been uncertain.

37. It was not difficult to guess what would have been the reply of the "Pieds noirs" in Algeria if the Paris Government had asked them whether they would like Algeria to be sovereign or whether they would prefer "to retain their link with France, with democratic local institutions and with France retaining its present responsibilities in Algeria", or what would have been the reply of the United States residents of El Chamizal or the Panama Canal Zone, who were more in number than the loyal subjects of Her Majesty living on the Rock. Yet Algeria was independent, El Chamizal had been returned to Mexico and the United States was preparing to recognize Panama's sovereignty over the Canal Zone.

38. What had the United Kingdom been trying to achieve with the referendum, held nine days after the Special Committee had adopted its resolution? To put an end to the colonial situation in Gibraltar? To apply the principle of self-determination to Her Majesty's loyal subjects living on the Rock? Obviously not. All that the United Kingdom had been seeking was a further excuse for a policy the sole aim of which was to change the superficial outward features of a military base in foreign territory, in order to be able to remain there without suffering world-wide reprobation.

39. In pursuit of that policy, the United Kingdom had made use of the civilians who had settled around the military base early in the nineteenth century and who were British subjects—not all of them, of course, but only those who were loyal and safe. In 1947, using them as a screen, the United Kingdom Government had declared the military base a Non-Self-Governing Territory. In 1964, before the Special Committee had completed the study of the problem which it had begun in 1963, the United Kingdom had created a pseudo-government in Gibraltar. In 1967 it had held a referendum, and it was now preparing a further unilateral reform of the "status" of the Rock in 1968. Worst of all, it was informing the Fourth Committee that it was

remaining in Gibraltar only because the Gibraltarians wished it to do so.

40. The whole affair was a crude, although well-thought-out, scheme to deceive world opinion and to maintain the colonial and military situation in Gibraltar, despite what the United Kingdom representative now said. If the United Kingdom had been sincere in stating that it was in Gibraltar only to defend the Gibraltarians, it would long since have dismantled the military base and withdrawn all military, naval and air forces from the Rock. The fact that the garrison was being reinforced cast doubt on the United Kingdom's sincerity and on the "Gibraltarian" sentiments of the petitioners who had come to the United Nations to defend the retention of the base on the ground that it provided a livelihood to the civilian inhabitants of the Rock; for there must surely be other ways of providing economic assistance to a population of 18,000. Spain challenged the United Kingdom to dismantle the military base immediately.

41. If the United Kingdom scheme succeeded, the consequences would not affect Spain alone. Internationally, the United Kingdom would have established the following precedents: first, the perpetuation of military bases imposed on other countries by transforming them into colonies and granting self-determination to the artificial populations created around such bases; and secondly, justification for the existence of military bases of that kind on the ground that they provided a livelihood to the civilian population servicing them. He hoped that the Fourth Committee would reflect on those consequences and on their implications for other areas. The Special Committee had already done so and had refused to be deceived by the United Kingdom scheme; that was perhaps why it had been subjected to insults from the United Kingdom and Gibraltar.

42. The best comment on the referendum after the event had been made by a Gibraltarian who was not noted for his partiality towards Spain. Mr. S. V. Canepa, Jr., writing in the Gibraltar bi-weekly Vox, of 3 November, had stated: "The British Government is in fact leaving us with two choices: an agreement with Spain, or the perpetuation of colonial rule". That, indeed, was what the referendum had meant—the perpetuation of colonial rule with the approval of 12,000 loyal subjects of Her Majesty. However, Mr. Canepa's surprise was difficult to understand; on the date of the referendum The Observer of London had said: "An overwhelming majority will vote for the present British colonial status." The reason for holding the referendum had been to avoid having to reach agreement with Spain and to be in a position to defy the decisions of the United Nations, using the population of Gibraltar as a pretext in the same way as it was used as a pretext for the perpetuation of the military base.

43. The fourth and last reason why Spain accepted the Special Committee's resolution of 1 September was that, in operative paragraph 3, Spain and the United Kingdom were invited to negotiate an end to the colonial situation in Gibraltar and to safeguard the interests of the population upon the termination of that situation. Spain could not do otherwise than accept that decision, in view of the fact that his dele-

gation had been stating since 1963 that the termination of the colonial situation in Gibraltar must not cause unnecessary damage to the interests of the British subjects resident on the Rock or to anyone affected by that colonial situation.

44. On 14 December 1966 (1671st meeting), the Spanish delegation in the Fourth Committee had proposed to the United Kingdom the immediate negotiation of a statute codifying and protecting the interests of the Gibraltarians. Once the protection of those interests had been secured, it would be easier to put an end to the colonial situation. He would point out that Spain, in agreeing that the subjects of the administering Power and their interests should continue to enjoy protection, had made a sacrifice never demanded of any victim of colonialism. It had made that concession because it did not consider that the present generation of Gibraltarians should pay for the sins of their fathers, who had established their home on the native soil of the Spaniards who had been expelled and had made their fortune by exploiting Spanish labour and defrauding the Spanish Treasury through smuggling operations protected by the guns of the Royal Navy.

45. The population about which the United Kingdom representative was now so concerned had been evacuated from Gibraltar during the Second World War, because of uncertainty about its loyalty to the United Kingdom, while the Spanish workers had withstood the bombing; that Gibraltarian population was again anxious to live in Spain. He could not believe the United Kingdom representative's assertion that those people detested Spain; if that were so, why would they be wanting Spain to accommodate them once again? If they repudiated Spain, let them continue to live in isolation.

46. In resolution 2231 (XXI) the General Assembly had not rejected the Spanish offer to protect those interests; it had called upon the two parties to continue their negotiations, taking into account the interests of the people of the Territory, and had asked the administering Power to expedite the decolonization of Gibraltar, without any hindrance and in consultation with the Government of Spain. Nor did the Special Committee's resolution of 1 September invalidate the Spanish offer speedily to negotiate a statute to protect the interests of the Gibraltarians; on the contrary, it clarified the position taken by the General Assembly in 1966 by indicating that the colonial situation must be terminated but that the interests of the population must be safeguarded after its termination. The ending of the colonial situation in Gibraltar, without delay and without hindrance, was an obligation which the United Nations had imposed on the United Kingdom and which it must comply with if it did not wish to defy the Organization. Spain, for its part, was ready to comply with its obligation and, in conformity with its constructive approach, it maintained its offer speedily to negotiate a statute to safeguard the interests of the Gibraltarians—a task in which the two countries might be assisted by the Secretary-General. Spain respected the cultural, economic and religious identity of the community of British subjects who had been settled on the Rock by the United Kingdom. Surely nothing more could be demanded of his country, which was deter-

mined to set an example of peaceful and civilized decolonization.

47. How could that offer be called recolonization? How could a claim to two square miles of Spanish territory be described as recolonization? What did Niue, Swaziland, South Africa, the Sahara, Portugal or Alaska—to cite some examples—have to do with Gibraltar? All United Nations decisions on the decolonization of Territories had an operative paragraph on the implementation of the principle of self-determination, except in the case of two Territories: the Falkland Islands (Malvinas) and Gibraltar. There was a reason for that. The fact was that Spain's representatives had gone to London in 1966 to decolonize Gibraltar and they had been turned away by the arrogance and imperialism of the United Kingdom, which had declared its sovereignty over another piece of Spanish territory to the north of Gibraltar, where the military airport of Gibraltar had been set up. That, indeed, was colonization of the worst kind. The United Kingdom representative should realize it.

48. On 6 September, after the Special Committee had adopted its resolution of 1 September, the Spanish Government had forwarded to the United Kingdom Foreign Secretary a note verbale reproducing the text of the resolution and stating that Spain's objective was to remove the obstacle to relations between the two countries which Gibraltar constituted. That communication was reproduced in full in his letter to the Secretary-General dated 30 October (A/6882). The sentence he had quoted had been intended to remind the United Kingdom that Spain wanted the colonial situation in Gibraltar to be ended in a civilized manner, with the co-operation of the colonialist country, its victim, and the United Nations. On 25 September, the Minister for Foreign Affairs of Spain had held a meeting with the United Kingdom Foreign Secretary in New York, where both had been attending the current session of the Assembly, and had asked him to reply to the Spanish note verbale. The Foreign Secretary had promised to reply, and he had done so on 20 October in a note handed to the Spanish Ambassador in London, the text of which also appeared in his letter to the Secretary-General. The United Kingdom note had stated that an Under-Secretary of the Foreign Office, Mr. Beith, would visit Madrid towards the end of November for talks on Anglo-Spanish relations with Spanish officials, and that that constituted the reply to the Spanish note of 6 September, in which Spain had requested negotiations with a view to the implementation of the resolution of 1 September. The latest decision of the Special Committee and earlier resolutions had not even been mentioned.

49. The Spanish Government, in considering the surprising note from the United Kingdom, had also borne in mind a number of revealing statements made by the United Kingdom Government in the House of Commons. On 23 October, a Minister of State for Foreign Affairs, Mr. Rodgers, replying to questions regarding what talks the Under-Secretary of the Foreign Office might have in Madrid, had implied that the purpose of the talks would be "to improve the conditions of the population", and had also suggested that the General Assembly was not the proper forum for discussing the question of Gibraltar. On 24 October, the Secretary of State for Commonwealth Affairs,

Mr. Thomson, again replying to questions, had said that as a result of the referendum, which the Special Committee had declared to be invalid, there would be a further unilateral reform of the status of Gibraltar early in 1968. Spain took that statement by a member of the United Kingdom Government as an indication that the United Kingdom intended to continue taking unilateral action in Gibraltar, without regard to the United Nations decision that it should be decolonized in collaboration with Spain. Thus it had appeared that the visit of a senior Foreign Office official to Madrid would have nothing to do with the termination of the colonial situation in Gibraltar, its only purpose being to give the Fourth Committee the false impression that the United Kingdom was discussing the question of Gibraltar with Spain. That was confirmed by the letter dated 25 October 1967 from the Permanent Representative of the United Kingdom to the Secretary-General (A/6876).

50. In fact, the whole affair had been a further manoeuvre by the United Kingdom. The repeated use of such tactics, which involved a cheap Machiavellism instead of the great policy which a great nation like the United Kingdom should pursue, was becoming somewhat wearisome. The only course to take, when confronted by such a manoeuvre, had been to clarify matters. On 28 October, therefore, the Minister for Foreign Affairs of Spain had summoned the British Ambassador in Madrid and handed him a note, which also appeared in full in his letter of 30 October to the Secretary-General. On 22 November, the United Kingdom Government had replied to that latest Spanish note, stating that Mr. Beith would be able to visit Madrid on 30 November and would be entirely free to raise any matter relating to the implementation of the United Nations resolutions. It would be noted that the reply was rather ambiguous and the date chosen extremely suspicious. The Spanish Government had therefore replied to the United Kingdom Government on 23 November, stating that it was pleased that the Under-Secretary of the Foreign Office who was coming to Madrid had received instructions to discuss the implementation of the United Nations resolutions. However, the Fourth Committee would presumably adopt a further resolution after considering the report of the Special Committee and it would appear logical, and also courteous to the Committee, to hold the talks in Madrid after the debate at the current session had been concluded. The Spanish Government had mentioned this to the United Kingdom Government and proposed that 10 January 1968 would be a more suitable date for Mr. Beith's visit to Madrid. On 1 December, the United Kingdom Government had again informed the Spanish Government that Mr. Beith would be coming to Spain, but had not mentioned a definite date.

51. The forthcoming visit made it more essential than ever for the United Nations, acting on the basis of the Special Committee's resolution of 1 September, to adopt a clear, explicit resolution which would assist the negotiators. Indeed, it was the purpose of any General Assembly resolution to clarify a given situation as much as possible and lay down clear-cut rules for dealing with it. On pages 69 and 70 of his book Peace and Opinion, to which reference had already been made, the United Kingdom representative had

summed up that idea as follows: "For once the United Nations has reached a decision, then the rights and wrongs of any subsequent activities and incidents become clear-cut and unambiguous. And the authority of the United Nations, which it is not always easy to mobilize when the merits are disputed, can be easily invoked."

52. In any event, his delegation solemnly promised, on behalf of the Spanish Government, to report immediately to the United Nations concerning what was said by the United Kingdom official who was to visit Madrid. Although it was not known what authority that official would have, his delegation assured the Committee that the Spanish Government, in its discussions with him, would not depart from the decisions embodied in General Assembly resolutions 2070 (XX) and 2231 (XXI), in the Special Committee's resolution of 1 September which was now under consideration and in whatever resolution the Assembly now adopted.

53. His Government would also maintain its offer to work out, in co-operation with the United Kingdom, a "statute" which would protect the interests of the people of Gibraltar and regulate the facilities provided to them in the Campo de Gibraltar.

54. He did not wish to conclude his statement without expressing to the Committee the concern of his Government at the United Kingdom's attitude. The United Kingdom had held the referendum in disregard of the Special Committee's resolution of 1 September, which it had criticized in the plenary Assembly, and had announced new changes in the colonial status of Gibraltar. The United Kingdom's attitude was clearly reflected in its draft resolution (A/C.4/L.877), which not only contemptuously disregarded the Special Committee's resolution but constituted an invitation to the General Assembly to reverse the process of decolonizing Gibraltar and repudiate its previous resolutions dealing with the question.

55. The third preambular paragraph recalled General Assembly resolutions 2070 (XX) and 2231 (XXI) but said nothing about the Special Committee's resolution of 1 September, which was incorporated in draft resolution A/C.4/L.876 and Add.1-3. Should the silence regarding that resolution be taken to mean that the Special Committee had not been impartial or that it had made an unfortunate error in adopting the resolution? In the opinion of his delegation, the United Kingdom draft resolution did nothing less than call into question the Special Committee's future existence and its ability to carry out the task assigned to it by the Assembly.

56. The fourth preambular paragraph expressed concern at the actions of the Government of Spain aimed at the interests of the people of Gibraltar. However, Spain had not taken any action against the interests of the civilians working at the military base nor had it taken any measures directed against the colony's economy. His Government had made proposals to the United Kingdom Government for protecting the interests of the people of Gibraltar, and the United Kingdom had rejected them because it preferred to keep the Gibraltarians as workers at its military base. He therefore could not understand why the United Kingdom had made that accusation, unless it was because Spain's demand for an end to the colo-

nial situation in Gibraltar was disagreeable to those in the United Kingdom and in Gibraltar who wished that situation to continue.

57. The fifth preambular paragraph expressed further concern at Spain's action in declaring a prohibited zone in its air space—a zone which was being violated by British military aircraft. He wondered why the General Assembly should express concern at the prohibited zone, since the Council of the International Civil Aviation Organization (ICAO) had not condemned it on 5 May 1967 and the matter was currently sub judice and a decision was not expected until February or March 1968. He had explained in the Special Committee that the prohibited zone was wholly confined to territory which, as the United Kingdom did not deny, was under Spanish sovereignty. A map of the zone appeared in numerous notes to the Secretary-General, which had been circulated as working papers, denouncing the United Kingdom violations. The zone had nothing to do with the decolonization of Gibraltar, and the London Government, for want of any other pretext, had seized upon its establishment in order to break off negotiations which it found displeasing. It was surprising to find the United Kingdom now expressing regret at the interruption of negotiations which it had itself broken off. Their interruption was regretted even more by his Government, which repeatedly requested them and had been subjected to genuine acts of aggression against its sovereignty while they were under way.

58. Operative paragraph 1 called on Spain to put an end to the restrictions allegedly imposed on free access to Gibraltar. He would like to know what restrictions were meant, since there had already been 182,000 crossings into Spain by residents of Gibraltar during 1967. How could the United Kingdom make that request when it had been agreed under the anachronistic Treaty of Utrecht, which was constantly being cited, that Gibraltar was to be separated from the rest of Spain? Or was the United Kingdom now calling for the abrogation of the Treaty of Utrecht?

59. Under operative paragraph 2, the General Assembly would take note of the report submitted by the administering Power in accordance with the provisions of resolution 2231 (XXI). The report in question was presumably Lord Caradon's letter of 25 October to the Secretary-General (A/6876), which was also annexed to chapter X of the Special Committee's report and had already been commented upon by his delegation. Was that what the General Assembly had asked for in resolution 2231 (XXI), when, in operative paragraph 2, it had called upon the administering Power to expedite, in consultation with the Spanish Government, the decolonization of Gibraltar and to report on the consultations?

60. Under operative paragraph 3, the General Assembly would endorse the referendum of 10 September, which had been held nine days after the adoption by the Special Committee of the resolution which was now incorporated in draft resolution A/C.4/L.876 and Add.1-3. The United Kingdom was asking the United Nations to support its colonialist manoeuvres even though that would mean exposing to ridicule the Special Committee, which had not condemned in the

abstract the holding of a referendum but had been unwilling to endorse a pseudo-referendum which was held without consulting Spain and had the effect of forcing the people of Gibraltar to defend the British military base.

61. The United Kingdom also called for Article 73 of the Charter to be applied to its subjects who lived and worked at the Gibraltar military base. It was forgetting that Article 2, paragraph 4, of the Charter also had to be observed and that there were 5,000 Spanish workers who had a right to live. The United Kingdom was also forgetting that putting an end to the colonial situation in Gibraltar was essentially a matter of restoring Spain's territorial integrity and national unity by eliminating a military base which had been imposed upon that country. The world would indeed be fortunate if Article 73 was applied to military bases which had been imposed on other countries.

62. Operative paragraph 5, which urged the necessity of avoiding any act which might impede the holding of negotiations, was so cynical that carefully considered analysis of it was impossible. That appeal was being made by the United Kingdom, which on 12 July 1966, during the negotiations then under way, had proclaimed its sovereignty over another piece of Spanish territory adjoining Gibraltar; which on 5 January 1967 had told Spain that British military aircraft had the right to use Spanish air space; which had been called upon, in operative paragraph 2 of resolution 2231 (XXI), not to hinder negotiations and had nevertheless continued to do so; which had unilaterally broken off the negotiations on specious pretexts; which had held a referendum without consulting the Spanish Government and had asked its "loyal subjects in Gibraltar"—and only its "loyal subjects"—questions to which the Spanish Government had objected; and which intended to make new changes in Gibraltar's colonial status in January 1968, without consulting Spain, in order to make the Territory even more dependent on the United Kingdom. The United Kingdom apparently wished the victim of colonialism to be bound hand and foot by the United Nations so that the colonial Power could more easily beat him. Could the United Nations lend itself to such a farce?

63. Finally, in operative paragraph 6, the United Kingdom called for taking into account not only the interests but also the aspirations of the people of Gibraltar. What the phrase "aspirations of the people" meant, however, was the continuation of British colonial rule and of the military base, for that was what "Her Majesty's loyal subjects" had decided upon in the pseudo-referendum of 10 September.

64. If any of the paragraphs in the United Kingdom draft resolution were approved, a shocking situation would result in which the United Nations would be giving its moral support to the administering Power and abandoning the victim of colonialism. Spain was a victim of British colonialism, just as many countries now represented in the Committee had once been. Spain wished to receive the same treatment from the United Nations, with regard to the colonial situation in Gibraltar, as had been accorded to other colonial countries.

65. The Special Committee's resolution of 1 September 1967, which was incorporated in draft resolution

A/C.4/L.876 and Add.1-3, did not meet Spain's wishes, for his country felt that—as had happened in other cases—the United Nations should say to the United Kingdom: "Gentlemen, get out of Spanish territory and dismantle your military base there and, in the meantime, do not invade other parts of that territory and do not commit violations of Spanish air space with your military aircraft." Nevertheless, his country was prepared to accept the draft resolution because it was a Special Committee resolution and Spain had decided to follow the Committee's counsel in all matters of decolonization which affected it.

66. The situation under consideration by the Fourth Committee could not be more clear-cut. The Special Committee, which was an organ of the General Assembly, had considered the question of Gibraltar and had called upon the United Kingdom not to hold the referendum and to put an end, in consultation with Spain, to the colonial situation in Gibraltar. The United Kingdom had defied the Special Committee and held the referendum. It was now calling upon the General Assembly to repudiate the Special Committee. If the Latin American draft resolution, which was the Special Committee's resolution, was not adopted, his delegation greatly feared that it would be a severe blow to the moral force of the Special Committee and that the latter's work would suffer as a result.

67. In the opinion of his delegation, the Fourth Committee was confronted with a very simple dilemma: either the Special Committee was properly carrying out the task assigned to it by the Assembly, in which case its decision was the correct one, or the Assembly would repudiate the Special Committee by adopting a resolution which was at variance with the Special Committee's resolution of 1 September. His delegation was most interested in seeing how that dilemma was resolved.

68. He wished to inform the Committee of another recent provocation by the United Kingdom. The Spanish Government had handed a protest to the United Kingdom Chargé d'affaires in Madrid on the previous day concerning a United Kingdom merchant ship, the Arcadian, which was anchored in Spanish waters, loaded with explosives, some 550 metres from the Spanish city la Línea de la Concepción. A Spanish minesweeper had been anchored nearby and the captain of the United Kingdom ship had asked the minesweeper to leave, claiming that it was in United Kingdom waters. The Spanish captain had refused to move. The Spanish Foreign Minister had called on the United Kingdom to remove the British ship in view of the danger to navigation and to the city and its inhabitants. Some years previously, a United Kingdom ship had blown up in the same neighbourhood and caused casualties among the population.

69. Mr. BOYE (Chile) proposed that the statement of the Spanish representative should be reproduced in extenso in the summary record of the meeting.

70. Mr. JOUEJATI (Syria) and Mr. BERRO (Uruguay) supported the Chilean proposal.

71. The CHAIRMAN said that if he heard no objection, he would take it that the Committee agreed to the Chilean proposal.

It was so decided.

72. Mr. LUARD (United Kingdom), speaking in exercise of the right of reply, said that the merchant ship Arcadian had been anchored in United Kingdom territorial waters. United Kingdom ships had consistently anchored in that area. His Government had proposed on a number of occasions that the question of territorial waters and other such matters should be submitted to the International Court of Justice, but the Spanish Government had consistently rejected such proposals. In any event, the ship had now left the area. He wished to point out, however, that whenever the question of Gibraltar was to be discussed in the United Nations or between Spain and the United Kingdom, some incident was created in order to arouse public opinion against the United Kingdom.

73. With regard to the aerodrome on Gibraltar, he said that the Territory had only one airport. While it was true that military aircraft sometimes used the airfield, a large number of civilian aircraft also landed there and it could not possibly be called a military airbase.

74. The interpretation he had given of paragraph 6 of General Assembly resolution 1514 (XV) was the one generally accepted. In the process of decolonization, it was essential to retain the frontiers of the Territory as it had been administered by the colonial Power. In fact, the original sponsors of resolution 1514 (XV) had held that view and it had recently been supported in the Special Committee by the representative of the United Republic of Tanzania.

75. With regard to the recent referendum, he said that on three separate occasions the United Kingdom Government had approached the Spanish Government in connexion with the holding of the referendum. Spain had been invited to give its views on the wording, to send an observer, and to explain its position to the people of Gibraltar. It had refused those invitations. The Spanish representative had said that the presence of United Kingdom warships in the harbour had constituted an element of coercion. The fact was that there were almost always United Kingdom ships in Gibraltar harbour.

76. The Spanish representative had tried to show that the register of electors had somehow been incomplete. He categorically denied such an assertion; the register had included all adults. It was untrue that people of Pakistan and Indian origin had been prevented from participating in the referendum. People of all races had been allowed to register, the only requirement being the period of residence. In any event, if Spain objected to the way in which the referendum had been held, he asked the Spanish representative whether his Government would agree to the holding of a referendum under international auspices.

77. He had made no reference in his earlier statement (1741st meeting) to the Special Committee's resolution of 1 September 1967; it was understandable that that resolution had been concerned primarily with the question of the referendum; but that was not the issue now. It had now been agreed by the Governments of Spain and the United Kingdom that negotiations should be held in January. To adopt a resolution condemning the referendum would be irrelevant and could only inflame passions.

78. The Spanish representative had tried to suggest that the United Kingdom was opposed to self-determination for the Territory. He presumably meant that it was opposed to the solution of complete independence. The United Kingdom had always made it clear that its aim was to continue the decolonization of Gibraltar as speedily as possible. The reason why independence was not thought possible as a solution was that Spain had always made clear that it would not accept independence, since it would be inconsistent with the Treaty of Utrecht, which gave Spain the right to sovereignty over Gibraltar if United Kingdom sovereignty ended. If that was not Spain's position, perhaps the representative of Spain could tell him whether, if Gibraltar was granted independence, that solution would be acceptable to Spain.

79. Mr. DE PINIES (Spain) said that, despite the United Kingdom representative's arguments, the Spanish authorities could not allow a United Kingdom ship, loaded with explosives, to anchor 550 metres from a Spanish town, still less allow a Spanish minesweeper to be ordered to move, when it was in Spain's waters. If the United Kingdom had been offered facilities by Spain in the past, that was a concession and not a right.

80. With regard to the airport, he would point out that ICAO listed Gibraltar airport as a military airport and that its use by civilian aircraft was subject to permission by the United Kingdom Royal Air Force.

81. With regard to the interpretation of General Assembly resolution 1514 (XV), the records of the debates made clear the true meaning of the paragraph concerning territorial integrity, as indicated by some of the sponsors in response to the amendment proposed by Guatemala.

82. Despite what the United Kingdom representative had said, the United Kingdom Government had never consulted the Spanish Government regarding the questions to be included in the referendum. The United Kingdom had simply announced what the questions would be, presenting Spain with a *fait accompli*, and had asked the Spanish Government if it wished to explain its ideas to the people of Gibraltar.

83. As was clear from the United Kingdom representative's statement, United Kingdom coercion in Gibraltar was continuous; perhaps Her Majesty's "loyal subjects" would not be quite so loyal if it were otherwise.

84. With regard to the United Kingdom representative's question, the first necessity was for the United Kingdom to remove its military base. After that, the Spanish delegation would be prepared to reply to the United Kingdom representative's question and any other questions he might have.

85. Mr. BENITES (Ecuador), introducing draft resolution A/C.4/L.876 and Add.1-3 on behalf of the sponsors, said that it was based on resolutions of the General Assembly and the principles of the United Nations Charter. The first of those principles, which was deeply rooted in Latin American history, was the need to settle international disputes by peaceful means. The second was that people living under colonial régimes installed by foreign Powers in their Terri-

tories should achieve the goal of self-government, in accordance with the underlying philosophy of Chapter XI of the Charter. The third principle was that reflected in paragraph 6 of General Assembly resolution 1514 (XV), which stated that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the purposes and principles of the Charter.

86. In addition, the draft resolution had been prompted by the following considerations. Statements made by the administering Power and the Spanish delegation had long made it clear that a controversial situation existed in respect to Gibraltar. It was known that the negotiations recommended by the General Assembly and the Special Committee had been initiated by Spain and the United Kingdom and then were interrupted. Lastly, the United Kingdom had unilaterally held a referendum in the disputed Territory of Gibraltar on 10 September 1967. By a consensus adopted on 16 October 1964, the Special Committee had invited the United Kingdom and Spain to begin talks without delay, in accordance with the principles of the United Nations Charter, in order to reach a negotiated solution. The consensus had also stated that the "negotiated solution" should be in conformity with the provisions of resolution 1514 (XV), giving due account to the opinions expressed by the members of the Special Committee and bearing in mind the interests of the people of the Territory. By a resolution adopted on 17 November 1966,^{3/} the Special Committee had called upon the two parties to refrain from any acts which would hamper the success of the negotiations. General Assembly resolution 2231 (XXI) of 20 December 1966 had said that any act of decolonization by the United Kingdom should be without any hindrance and in consultation with the Government of Spain. When it had been informed of the United Kingdom's intention to hold a referendum in the disputed Territory of Gibraltar, the Special Committee had stated in its resolution of 1 September 1967 that the holding of the referendum by the administering Power would contradict the provisions of resolution 2231 (XXI). Nevertheless, the United Kingdom had proceeded to hold the referendum, in violation of resolution 2231 (XXI) and despite the Special Committee's warning. He considered that the interrupted negotiations should be resumed on the same basis as previously.

87. The sponsors' sole intention was to try to achieve a peaceful settlement of the unfortunate dispute between two friendly States. They hoped that the draft resolution, which confined itself to stating the facts objectively and to offering solutions within the spirit and letter of the Charter, would be approved by the Committee.

88. Mr. LOPEZ VILLAMIL (Honduras) said that the Special Committee had been considering the problem of Gibraltar since September 1963, and in 1964 it had invited the United Kingdom and Spain to seek a negotiated settlement of their dispute. During the talks which had been initiated between the two countries, the United Kingdom had tried to delay progress by claiming to be concerned about the interests of the population, which was neither British nor Spanish

^{3/} *Ibid.*, Twenty-first Session, Annexes, addendum to agenda item 23, document A/6300/Rev.1, chap. XI, para. 66.

in its majority but a mixture of different peoples. The Special Committee had called on the two States to begin talks without delay in accordance with the principles of the Charter, bearing in mind the interests of the people. General Assembly resolution 2070 (XX) had had the same objective and resolution 2231 (XXI), regretting the delay in the decolonization of Gibraltar, had asked the administering Power to expedite such decolonization without any hindrance and in consultation with the Government of Spain, and to report to the Special Committee as soon as possible. There was nothing in the text about seeking a solution by judicial settlement, because the dispute was not a legal dispute. It was clear from the text of resolution 2231 (XXI), in conjunction with the irrefutable historical fact that Gibraltar had originally formed part of Spain, that the United Nations recognized that history and geography could not be ignored in the process of decolonization of Gibraltar. The case of Gibraltar was *sui generis*. The population, which had largely been imported, had no national identity and there could be no destiny for the usurped territory other than its return to Spain.

89. Apart from those considerations, the United Kingdom was bound under the Treaty of Utrecht of 1713 to return Gibraltar to Spain. Gibraltar had been captured by English forces in 1704 and under the Treaty of Utrecht, imposed as a result of the war, England had been ceded certain property in Gibraltar. According to article X of the Treaty, the city and castle of Gibraltar had been ceded to England but it was made clear that the property was ceded without any territorial jurisdiction. The Treaty also laid down that there should be no open communication by land with the surrounding country, and that if the British Crown should ever wish to dispose of the property, the Spanish Crown would have the first choice to redeem it.

90. A clear distinction was made in the Treaty between ownership and jurisdiction. The United Kingdom could not unilaterally claim sovereign rights over Gibraltar, still less so in present circumstances, when the United Nations had called for its immediate decolonization. The United Kingdom clearly had no rights over Gibraltar beyond certain rights of ownership. Gibraltar presented a different case from large colonial possessions whose populations had definite ethnic characteristics, a sense of national identity and a desire for independence. The population of Gibraltar could be regarded as a floating population and it was impossible to speak of a solution based on self-determination, ignoring the question of historic rights.

91. In its conversations with the United Kingdom, Spain had proposed: (a) the revocation of article X of the Treaty of Utrecht and the restoration of Spanish territorial integrity; (b) respect for United Kingdom military interests; (c) special arrangements to protect the interests of the inhabitants of Gibraltar; and (d) a United Nations guarantee of the agreement.

92. In addition to unilaterally claiming sovereign rights over Gibraltar, the United Kingdom had usurped additional Spanish territory, taking possession of the so-called "neutral zone". The neutralization of territory depended on agreement between the two States concerned.

93. The pretext used by the United Kingdom to suspend the conversations on the basis of the restrictions on air navigation legitimately imposed by Spain in exercise of its sovereignty, was of no importance.

94. The decolonization of Gibraltar called for by the United Nations had nothing to do with the restrictive measures imposed by Spain in response to violations of its air space, the restriction of traffic in and out of its territory, or international obligations by which Spain did not consider itself bound.

95. The United Kingdom had proposed that the dispute should be submitted to the International Court of Justice. Its intention was clearly to delay its discharge of the obligations laid on it by the General Assembly. It would be recalled that in the case of South West Africa the Court had confined itself to a decision on legal issues; the Court was not competent to deal with matters such as the procedure of decolonization.

96. In the debates in the United Nations, the Latin American countries had supported the claims of Spain, their mother country. The Latin American Parliament at its 1967 session had called for the abandonment of all colonial possessions in America, proclaimed its solidarity with Spain in regard to Gibraltar, expressed its support for resolution 2231 (XXI) and expressed the hope that the result of the negotiations between Spain and the United Kingdom would be the return of Gibraltar to Spain. Ignoring such appeals, the United Kingdom, in September 1967, had held a referendum, the aim of which was to perpetuate colonialism. On 1 September, the Special Committee had called the proposed referendum an act contrary to Assembly resolution 2231 (XXI) and reiterated that the disruption of the national unity and territorial integrity of a country was incompatible with the Charter. The Spanish delegation had made clear to the Committee in the past the characteristics of the population of Gibraltar which had been imported after the expulsion of the authentic Spanish population. Moreover, he wished to draw the attention of members to the dangerous precedent which could be represented by the use of a military base to serve as a pretext for a referendum as a means of disrupting the territorial integrity of a country. He appealed to all delegations to consider the question of Gibraltar with all seriousness and to the United Kingdom to show the vision that it had shown in other areas of the world.

97. His delegation, together with other Latin American delegations, had submitted a draft resolution which was in line with the general feeling in the Committee. He hoped that it would receive the support of the great majority of members. The draft resolution submitted by the United Kingdom (A/C.4/L.877) could hardly be taken seriously. In the fourth preambular paragraph, the United Kingdom proposed that the General Assembly should express concern at the "actions of the Government of Spain" which, it suggested, were "aimed at the interests of the people of Gibraltar" and "at the economy of Gibraltar and the freedom of movement of its people". Not only had the United Kingdom failed to decolonize Gibraltar as requested by the United Nations, but it now sought to use the United Nations as a means of perpetuating its possession of a portion of Spanish territory. The

fifth preambular paragraph expressed concern at a legitimate act by the Spanish Government and suggested that that act had hindered the implementation of resolution 2231 (XXI). As if that was not enough, operative paragraph 1 called for "the termination of the restrictions imposed on free access to Gibraltar" and other measures. At that point, the document became dangerous. In the past, his country had enacted a number of measures in the exercise of its domestic jurisdiction and had not been obliged to answer for those measures; nor would it expect any international organization to call upon it to terminate any such measures. He did not imagine that the United Kingdom would complain that the Governments belonging to the European Economic Community, in not allowing the United Kingdom to enter the Community, were taking action against the interests of the United Kingdom population, though such action was much more serious than the act of Spain in establishing a prohibited air zone in its own territory. The United Kingdom draft resolution was an insult to Spain, to the United Nations and to all States. The United Kingdom should accept the voice of justice and reason as represented by the consensus in the United Nations in favour of the decolonization of Gibraltar.

98. Mr. LUARD (United Kingdom), speaking in exercise of the right of reply, said that he reserved the position of his Government, especially with regard to the interpretation of the Treaty of Utrecht just given by the representative of Honduras.

99. Mr. OULD DADDAH (Mauritania) said that his country considered it inadmissible that a piece of any sovereign State should be occupied by force by another country. The occupation of Gibraltar by the United Kingdom was contrary to the principles of the United Nations. His delegation had hoped that the negotiations recommended in United Nations resolutions concerning Gibraltar would continue and that the United Kingdom would allow those negotiations to achieve the objectives of the United Nations, namely, respect for the territorial integrity of Spain and an end to the colonial situation in Gibraltar. The way in which the referendum had been announced and had taken place had been prejudicial to Spain and contrary to the principles of the United Nations and the resolutions of the General Assembly. His delegation fully shared the point of view expressed in the resolution adopted by the Special Committee on its 500th meeting on 1 September 1967 (A/6700/Rev.1, chap. X., para. 215) and wished to join the sponsors of draft resolution A/C.4/L.876 and Add.1-3.

HEARING OF PETITIONERS FROM ANGUILLA (A/C.4/694/Add.2)

100. The CHAIRMAN recalled that at its 1730th meeting the Committee had decided to grant the request for a hearing concerning Anguilla from Mr. Jeremiah Gumbs and Mr. Roger Fisher (A/C.4/694/Add.2).

At the invitation of the Chairman, Mr. Jeremiah Gumbs and Mr. Roger Fisher took places at the Committee table.

101. Mr. GUMBS expressed his gratitude for the opportunity afforded him to describe conditions on the island of Anguilla.

102. A seven-man delegation from the United Kingdom, which included two members of Parliament, had arrived in Anguilla on 4 December 1967 to seek a solution to the problems besetting the island. The Anguillan people had no fuel, since the Government of St. Kitts was preventing Esso Standard in Barbados from delivering fuel, without which the island's hospital could not function. The Government of St. Kitts had also been withholding mail destined for Anguilla since May 1967, thus creating great hardship for old persons relying on pensions from the Netherlands West Indies and the United States. The savings of Anguillans deposited in the St. Kitts bank had been frozen, creating unbearable economic pressure on a small island and a weak people. No person, however, poor or needy, received more than one British West Indian dollar a week, although the cost of living on the island was soaring. Anguilla had been hard hit by the devaluation of the British pound because, owing to its position, it had to do business in United States dollars. While the ports on the neighbouring French, Netherlands and United States islands were all open, Anguillan ports were duty ports. That was why the Anguillan people were asking for a re-evaluation of their status.

103. The Anguillan people, who had had no major crime in their history, had asked the Central Government Police to withdraw on 30 May 1967. On 11 July 1967, the Anguillan people had exercised their right to self-determination by secret ballot; by the democratic expression of their will, they had by their free choice seceded from the Central Government. He therefore asked the Fourth Committee to intercede with the proper authorities to ensure that the will of the Anguillan people was carried out and he requested the United Kingdom Government to give the United Nations the right to provide direct assistance to Anguilla.

104. The Anguillan Council of Government had submitted the following points to the United Kingdom delegation: first, that Anguilla should be an independent State within the United Kingdom Commonwealth; secondly, that during the interim period an arrangement guaranteeing Anguilla's status with the United Kingdom should be made until a satisfactory constitutional status had been worked out; thirdly, that the interim period should not be longer than two years; fourthly, that during that period the United Kingdom should be responsible for Anguilla's defence and foreign affairs; fifthly, that administrative assistance should be provided for the interim period; sixthly, that an administrator should be chosen from the United Kingdom; and lastly, that the United Kingdom should grant the United Nations permission to give the people of Anguilla direct assistance.

Mr. Braithwaite (Guyana), Vice-Chairman, took the Chair.

105. Mr. FISHER said that he was a professor of law at Harvard University and since July 1967 had been legal adviser to the Provisional Government of Anguilla, which had been exercising effective control over the island for six months.

106. He wished to petition the United Nations for two types of assistance. The first was for advice

with regard to the future status of the island: Anguilla, which was a small island with a population of 6,000, was not seeking membership of the United Nations but wanted information on other possible choices commensurate with its circumstances. The second was immediate assistance in order to solve urgent problems of health, welfare and public administration.

107. In connexion with the issue of Anguilla's status, three questions arose: first, whether Anguilla's status had already been decided by prior arrangement; secondly, if not, what its status should be; thirdly, how the desired status could be worked out.

108. With regard to the first question, it was the view of the Anguillan people that the question of their status was still open. After the failure of the Federation of the West Indies, the former dependent Territories under United Kingdom administration in the Caribbean had become Associated States, each responsible for its own internal affairs, with the United Kingdom retaining responsibility for its defence and foreign affairs. Anguilla, however, had been transformed into a unitary State with the islands of St. Kitts and Nevis, although it was separated from them by some seventy miles and had a long history of animosity with St. Kitts. That solution had been imposed by the United Kingdom Government despite geography, history and the will of the Anguillan people. When the Special Committee had considered the question, it had concluded that the people of Anguilla had not been adequately consulted and that the provisions of General Assembly resolution 1514 (XV) continued to apply. In the light of that finding, the Assembly should also recognize that Anguilla's status had not been finally determined, despite the contrary view taken by the United Kingdom Government.

109. Anguilla sent representatives to St. Kitts who were systematically outvoted. Recently, Anguillans standing political trial on St. Kitts had upon their acquittal been immediately re-arrested. Some Anguillians had been held since June 1967 on false testimony. The Anguillan people's feelings were reflected not in St. Kitts but in a referendum in which 99 per cent of them had favoured secession from St. Kitts. The island had been exercising *de facto* independence for six months. In view of the current political climate, no responsible person could suggest that Anguilla should be returned to its former status. Clearly, then, Anguilla's status had not been finally determined and remained an open question.

110. With regard to the second question, the Anguillan people retained an open mind on their ultimate status. They wanted only substantial self-government and freedom from political tyranny. No satisfactory international solution had yet been found for the problem of small States. In the contemporary world, small Territories had to be either dependent, despite their desire for self-government, or independent, despite their lack of resources and ability to cope with the manifold problems confronting a twentieth-century State. Anguilla wanted something between the two: it wanted to have its own Government and to receive outside advice and assistance. It therefore suggested that it should either be a self-governing Territory associated with the United Nations or a State having a special relationship with a larger State and direct

access to the United Nations, or that it should have some kind of interim status with help from the United Nations. Whatever its choice, it should not necessarily be final or irrevocable; whatever political arrangements might be made should be subject to adaptation as the island and particular problems it faced developed.

111. If the only way a small dependent Territory could call attention to its problems was by becoming a sovereign State, it would do so. If that course were generally followed, however, it would certainly lead to fragmentation. If, however, a State could receive United Nations assistance without sovereignty, it could continue indefinitely in association with a larger State and thus avoid the dilemma faced by many small Territories. A delay in receiving full independence should not bar dependent Territories from the benefits of the United Nations.

112. The third question was how Anguilla's choice should be made. The Anguillan people wished to make their choice with the help of the United Nations. They regretted that the United Kingdom felt that such assistance from the United Nations would constitute interference and hoped that it would change that view.

113. On behalf of the Anguillan people, he therefore asked the United Nations to send a mission to advise them on the island's future and possibly to appoint a United Nations official to advise them on Anguillan problems from time to time as necessary. Secondly, Anguilla needed emergency help in the form of fuel, medicine and technical assistance.

114. The Anguillan people, having no training or experience in self-government, had been successfully handling their problems for six months but they wanted and needed assistance. If the United Nations could not provide the modest assistance the Anguillans needed, he hoped that it would urge others to do so. Heretofore the position taken by the St. Kitts Government seemed to preclude any such possibility.

Mr. Tomeh (Syria) resumed the Chair.

115. Mr. ESFANDIARY (Iran) thanked the petitioners for their statements, which had made a valuable contribution to the Committee's knowledge of conditions in Anguilla. Mr. Fisher's observations concerning the future status of Anguilla had been of practical interest. In defining a twilight zone between independence and dependence, Mr. Fisher had raised the possibility of association with the United Nations in lieu of association with an administering Power or former administering Power. He asked him what benefits he thought would accrue to the people of Anguilla as a result, especially as far as sovereign rights were concerned. In an association with a former administering Power, a Territory's sovereign rights would be curtailed in some way, such as defence and foreign affairs; he wondered if Mr. Fisher expected that to be the case in an association with the United Nations.

116. Mr. FISHER said that he thought that the United Nations would be able to help a small Territory such as Anguilla substantially by providing information on which countries had special experience or knowledge of any given problem, such as water conservation or low-cost construction, which the Territory might

encounter. Such assistance would cost the United Nations little and was quite different from that traditionally provided by the colonial Powers, which only gave what assistance they could from their own resources and not through third parties. In addition, the United Nations could act as a friendly consultant. The United Kingdom had not sent a delegation to talk to the Anguillan people concerning the future of the island until six months after the Anguillan people had requested such a delegation; it was clear that the United Kingdom had other interests and that Anguilla was not its greatest problem. In the meantime, the Special Committee had considered the question of Anguilla and had heard the petitioners, and the Anguillan people had appreciated the fact that they had been able to talk about their problems.

117. In an association with the United Nations, a small Territory would not have to yield any sovereign rights. If it wished to have United Nations advice, a small Territory might have to agree to submit its problems to the United Nations before signing any projects or to give a few weeks' notice before making any international commitments in order to give the United Nations an opportunity to provide advice. In that way, a small Territory would feel free to make its own final decisions but would receive impartial advice from the United Nations. It should be possible to devise a form of freedom for a Territory which was neither rich nor large, without curtailing its sovereign rights.

118. Mr. ESFANDIARY (Iran) asked whether the authorities in Anguilla could provide the necessary facilities and would be prepared to invite the United Nations to send a visiting mission to the island for the purpose of obtaining information concerning the future status of the Territory.

119. Mr. FISHER said that he could guarantee that all facilities would be provided by the local authorities and that, if a further invitation was required, he thereby extended it.

120. Mr. ESFANDIARY (Iran) said that since, as far as the United Nations was concerned, Anguilla was still the responsibility of the United Kingdom, the co-operation of the United Kingdom was essential before such a visit could take place. He hoped that, after Mr. Fisher's confirmation of the fact that the people of Anguilla wanted such a visit, the United Kingdom would consider the request favourably.

121. He asked Mr. Fisher what effect the referendum had had on the attitude of the administering Power concerning the future of Anguilla.

122. Mr. FISHER said that the United Kingdom delegation now in Anguilla had indicated its willingness to treat the question of Anguilla's future as open and, while not abandoning the legal position, was considering practical possibilities. That attitude was largely a result of the referendum and of the discussions which had taken place on the island during the summer of 1967, when two representatives of Anguilla's Commonwealth neighbours had visited the Territory. The people of Anguilla were open to any suggestion other than a return to St. Kitts.

123. Mr. CARRASQUERO (Venezuela) said that the valuable statements made by the petitioners to Sub-

Committee III of the Special Committee in August 1967 had helped to enlighten members on the situation in Anguilla and had been taken into account when the Sub-Committee had drawn up its conclusions and recommendations (A/6700/Rev.1, chap. XXIII, annex, para. 287). He asked the petitioners whether the United Kingdom had used any direct procedure in order to allow the people of Anguilla complete freedom in the exercise of their right to self-determination through democratic means.

124. Mr. FISHER confirmed that no direct procedure had been used to consult the people of Anguilla. Perhaps two or three people in Anguilla had been consulted at various times on the question of becoming an associated State with some form of self-government for the island.

125. Mr. CARRASQUERO (Venezuela) asked what had been the attitude of the Anguillan people to the discussions with the United Kingdom authorities concerning the island's constitutional status.

126. Mr. GUMBS said that at the London Conference in July 1966 the Anguillan people had been represented only by Mr. Peter Adams, as an Anguillan and not as leader of the Opposition. The Anguillan people had rejected that arrangement since they did not want to be represented without legal advice and the legal adviser they had chosen, Mr. William Herbert, was imprisoned in St. Kitts and not allowed to attend. Mr. Adams had signed the report of the London Conference, but its contents concerning the new constitutional arrangements had not been made known to the people of Anguilla until May 1967, in other words after statehood had been granted in February 1967.

127. Mr. GHAREKHAN (India) said that he had listened with interest to the statements of Mr. Gumbs, who had brought the situation in Anguilla up to date for the Committee, and of Mr. Fisher, who had raised the question of the legal and constitutional complexities involved in small Territories. He was, however, somewhat confused. Mr. Gumbs had clearly indicated the wishes of the people of Anguilla concerning their future status and had said that the demands put by the Anguillan Council of Government to the United Kingdom delegation now in the island included complete independence and some form of association with the United Kingdom for a period not exceeding two years. That left no room for doubt. Yet Mr. Fisher had said that he had come to ask for advice from the United Nations concerning the future status of the Territory. He asked the petitioners if they could explain that point.

128. Mr. FISHER said that, as he understood it, the points submitted by the people of Anguilla for discussion were not final and absolute commitments. They were attempting to work out a friendly solution, with perhaps an interim status for two years and independence beyond that. In working out what form of association they wanted, the people of Anguilla still needed advice, which he himself could not always be there to give. Whatever form of association with the United Kingdom might be decided upon, the people of Anguilla also wanted some form of access to the United Nations and the United Nations must be a party to the working out of what kind of association

that should be, with or without the consent of the United Kingdom. Those were the matters on which Anguilla wanted advice. It wanted assistance in dealing with the immediate problems, as also advice concerning its association with the United Kingdom and an appropriate form of association with the United Nations.

129. Mr. GHAREKHAN (India) thanked Mr. Fisher and said that his reply had removed some, although not all, of his doubts.

130. In reply to a question by the representative of Iran, Mr. Fisher had indicated a preference for association with the United Nations on the grounds that it would mean more freedom for the people of the Territory than association with the former administering Power or any other country. He could quite understand the psychological reasons for preferring association with the United Nations, but such an association would not differ from association with any country which left the people, and only the people, with the right to self-determination and secession, if and when they so wished, perhaps to associate with another country. He could not see other than emotional reasons for preferring association with the United Nations.

131. Mr. FISHER said that forms of association could be worked out and the most attractive would be some form of association both with the former administering Power and with the United Nations. A typical associated State might not feel completely free if its only channel for dealing with the rest of the world was a sovereign country with different rights. The important thing about freedom was that the people concerned should feel free.

132. Mr. GHAREKHAN (India) pointed out that if the people of a Territory were given the right to exercise self-determination and opted for complete independence, that did not mean that they had exhausted their right to self-determination, which was a continuing right. The people could, for instance, decide to join in some form of association with any other country.

133. Mr. ESFANDIARY (Iran) said that the point he had raised was that, whereas association with the United Nations would leave virtually full sovereign rights with a small Territory, an association with an administering Power or former administering Power would not. The Special Committee, for instance, had

refused to recognize that the peoples of the six Caribbean Territories including St. Kitts, Nevis and Anguilla, in selecting associated statehood with the administering Power, had exercised fully their right to self-determination. The Special Committee had decided that resolution 1514 (XV) continued to apply to those Territories. In the present case, it was obvious that the sovereign rights of those Territories were restricted because in defence and foreign affairs matters, the United Kingdom continued to hold residual powers and authority. In the case of association with the United Nations, however, which was a novel idea and offered a new possibility and many advantages for the peoples of the small Territories, the restriction on sovereign rights need not be any larger than that imposed on any independent State by virtue of its membership in the United Nations. In fact, a small territory thus having the status of an associated state with the United Nations, might even enjoy a fuller measure of sovereign rights than a Member State simply because it would undertake fewer obligations and responsibilities than a full Member would.

134. Mr. GHAREKHAN (India) pointed out that his delegation had voted in favour of the conclusions and recommendations adopted by the Special Committee stating that resolution 1514 (XV) continued to apply to the so-called Eastern Caribbean Associated States.

The petitioners withdrew.

Requests for hearings (continued)

REQUESTS CONCERNING GIBRALTAR (AGENDA ITEM 23)

135. The CHAIRMAN informed the Committee that he had received two requests for hearings concerning the question of Gibraltar, one from Sir Joshua Hassan and Mr. Peter Isola, elected members of the Legislative Council of Gibraltar, and the other from Mr. Fernando Fugaro and Mr. Pedro Hidalgo, on behalf of the population of Campo de Gibraltar. If he heard no objection, the two requests would be circulated as Committee documents in accordance with the usual practice.

It was so decided.^{4/}

The meeting rose at 7.40 p.m.

^{4/} The requests were subsequently circulated as documents A/C.4/702 and Add.1.