

65. Her delegation welcomed the attitude of the Government of France with regard to the Comoro Archipelago and expressed the hope that the colonial Powers, conscious of their responsibility, would feel compelled to grant self-determination to the Territories under their administration as soon as possible.

66. Mr. KEITA (Guinea), speaking on item 23, observed that, in the general debate in the General Assembly (2148th plenary meeting), the representative of his country had pointed out that, although the explosive situation prevailing in southern Africa gave cause for considerable concern, it should not be forgotten that there were other strongholds of colonialism which were no less important, such as so-called French Somaliland, the Seychelles, Spanish Sahara and others. The problems of those Territories had been created by the great imperialist Powers of the time, namely the United Kingdom, the United States, France and Spain. A typical example was the case of the island of Puerto Rico, which it was intended to convert into an oil refinery with a large super-port to receive shipments of crude oil coming mainly from the Middle East and the Caribbean. Accordingly, that refinery was being set up in a Territory under United States administration so that it would not affect the United States balance of payments. If that programme was carried out, Puerto Rico would continue to be subjected to colonialism and economic oppression. His delegation reaffirmed its support for the resolution of the Special Committee requesting the Government of the United States and the corporations based in that country to refrain from impeding the exercise of the right of the people of Puerto Rico to independence (A/9023 (part I), para. 84). That resolution had received the full support of the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers in September 1973.

67. A further cause for concern was the situation prevailing in the Seychelles as a result of the United Kingdom's persistent refusal to restore the islands detached from the Territory in 1965. The delegation of Guinea would vote in

favour of any draft resolution designed to put an end to the expulsion of the population from the so-called British Indian Ocean Territory.

68. The discovery of a phosphate deposit threatened to delay the peaceful settlement of the situation in the Territory known as Spanish Sahara. In the vicinity of the phosphate mines, the Spanish army was carrying out manoeuvres which constituted acts of intimidation and threats to the safety of neighbouring independent States. He expressed the hope that nothing would frustrate the desire of the inhabitants of Spanish Sahara for decolonization as decided upon by the United Nations and accepted by the administering Power.

69. His delegation attached great importance to the question of the Comoro Archipelago, to which the Assembly of Heads of State and Government of OAU habitually devoted a separate resolution. His delegation had noted with interest the data provided by France at the previous meeting on recent developments in the political situation of the Archipelago. It was disappointing, however, that France still controlled foreign affairs, defence, the issue of currency, radio and television broadcasting, transport and penal procedure. The people of the Comoro Archipelago had already demonstrated their desire for immediate independence in a climate of friendship and co-operation with France. His delegation was confident that the Committee would reaffirm the right of the people of the Comoro Archipelago to independence and would ask France not to force a second referendum on the people of the Territory and to respect the territorial integrity of the Archipelago.

#### *Organization of work*

70. The CHAIRMAN proposed that the draft resolutions and proposals relating to the remaining items should be submitted not later than Wednesday, 28 November 1973.

*The meeting rose at 6.05 p.m.*

## 2066th meeting

Monday, 26 November 1973, at 11 a.m.

*Chairman:* Mr. Leonardo DIAZ GONZALEZ (Venezuela).

A/C.4/SR.2066

### AGENDA ITEMS 23, 69, 74 AND 12, 75 AND 76\*

Agenda item 23 (Territories not covered under other agenda items) (*continued*) (A/9023 (parts II and IV), A/9023/Add.4, A/9023/Add.5, A/9023/Add.6, A/9121 and Corr.1, A/9124, A/9170, A/9176, A/9287, A/9330)

Agenda item 69 (*continued*)  
(A/9023/Add.7, A/9239 A/9330)

Agenda items 74 and 12 (*continued*) (A/9003 (chap.XXVI), A/9023 (part V), A/9051 and Add.1-5, A/9227, A/9330)

Agenda item 75 (*continued*) (A/9240)

Agenda item 76 (*continued*) (A/9241)

GENERAL DEBATE (*continued*)

1. Mr. TCHICAYA (Gabon) commended the Special Committee on the Situation with regard to the Implementation

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

of the Declaration on the Granting of Independence to Colonial Countries and Peoples on the enormous amount of work it had done and thanked the Governments and governmental and non-governmental organizations for having facilitated the many contacts and meetings that had made it possible to prepare the documents before the Committee and had placed the problems impeding decolonization in their proper context.

2. Speaking on item 23, he noted that under General Assembly resolution 2909 (XXVII) concerning the dissemination of information on decolonization the Secretary-General had been requested to continue to take concrete measures through all the media at his disposal to give widespread and continuous publicity to the work of the United Nations in the field of decolonization, to the situation in the colonial Territories and to the continuing struggle for liberation being waged by the colonial peoples. While the provisions of that resolution were being implemented in part, it must be noted that there was still a long way to go. In the view of his delegation, the regional offices of the United Nations should be mobilized to help in that information task instead of merely playing the role of experts. Moreover, the Secretariat's Office of Public Information should increase the frequency of its broadcasts to the developing countries in order to enable the population of those countries to become aware of all the problems inherent in decolonization. Similarly, the statements of the leaders of the liberation movements should be given widespread publicity by the United Nations press services.

3. His delegation, however, wondered whether the way to complete decolonization was indeed finally open. Colonialism would never be destroyed unless some understanding entered into the relations between colonizing countries and colonized peoples and between the colonizing countries themselves and unless the colonizers ceased their frenzied exploitation of the wealth of the countries which they still dominated. In many regions, men oppressed other men and ignoble and senseless acts were committed by men against other men. Nevertheless, voices extolling the de-escalation of colonization made themselves heard; for example, the representative of France had made a statement at the 2064th meeting on the proceedings already entered into by his country and the representatives of the Comoro Archipelago with a view to the early accession of that country to sovereignty. He read out a press release from the France-Press news agency concerning a conversation the previous day between the President of the Libyan Arab Republic and the President of the French Republic during which Mr. Pompidou was reported to have told Colonel Qaddafi that France had reached agreement with the people of the Comoros that the latter should decide their own future.

4. At the twenty-seventh session of the General Assembly, a number of resolutions had been adopted on problems of decolonization, but the record showed that they had not been implemented. During the twenty-eighth session of the General Assembly, similar resolutions would once again be adopted. Despite the current state of international relations, as long as colonialism persisted and entire peoples were kept apart from international life, the world would know no real peace. The colonial Powers must be persuaded that the process of decolonization was irreversible and that

it was time for co-operation and understanding among all nations, large and small, and among all peoples.

5. Mr. FOURATI (Tunisia), speaking on item 23, observed, first of all, that a distinction should be made between the colonization of settlement and classical colonization. The colonial problems which the Committee was now considering were not of the same degree of gravity as those relating to Namibia, Southern Rhodesia and the Territories under Portuguese administration, but they nevertheless merited careful study. The problems posed by the size, isolation and limited resources of those Territories should in no way be used as a pretext to impede or delay the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It was important that, in the recommendations which it would adopt in respect of those Territories, the General Assembly should take into account the special features of each.

6. Some administering Powers attached great importance to the right of peoples to self-determination and had already in the past given proof of their readiness to lead to self-determination and independence those peoples which had expressed a desire for them. Self-determination or independence was then achieved in friendship and co-operation.

7. The administering Powers should abandon any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of Territories. They should take further steps to strengthen the economic infrastructure of those Territories, to promote their economic and social development and to encourage the training of skilled personnel. Moreover, they should co-operate fully with the United Nations by agreeing to receive visiting missions. Such missions helped to place the problems arising in the Territories in their proper perspective and enabled the people of the Territories to become fully aware of the possibilities open to them for their future. They could facilitate the transfer of power in an atmosphere of stability and harmony.

8. His delegation hoped that those administering Powers which had so far refused to collaborate with the United Nations would receive visiting missions in the Territories under their administration and would follow the exemplary attitude of Australia and New Zealand, to which his delegation once again paid a tribute.

9. With regard to the question of the Comoro Archipelago, the representative of Tunisia in the General Assembly had recently expressed his satisfaction at learning that the independence of the Archipelago was in sight (2170th plenary meeting). In that connexion, he had emphasized the need to safeguard the territorial integrity of the country and to associate all regions and all political tendencies in the creation of the new State. He had added that the consultations envisaged by the administering Power should not involve discrimination against anyone, and that the United Nations, through the Special Committee, could contribute to the success of the phase preceding the transfer of power by sending a visiting mission or a mission to supervise the proposed referendum. He had also stated that it was essential that the period of time allowed in the joint declaration on the accession to independence of the

Comoro Archipelago, signed on 15 June 1973 (A/9023/Add.4, chap. XI, annex, appendix II), should be as short as possible. In his view, the agreement was flexible enough to allow the General Assembly to hope that it would be able to admit the Comoro Archipelago to membership at a very early session.

10. As for the question of Spanish Sahara, his delegation had long since clearly stated its position in the Fourth Committee, the Special Committee and the General Assembly. It nevertheless wished to reaffirm the colonial character of that question and to emphasize the need to decolonize the Territory following the course and the procedure defined by the United Nations. The people of the Sahara should be able to express themselves freely and to be masters of their own destiny. Since the adoption of resolution 2983 (XXVII) by the General Assembly, no progress had been made. No regulations had been introduced to enable the population of Spanish Sahara to exercise their legitimate right to self-determination in accordance with the decisions of the United Nations.

11. His delegation deplored the hesitation of the administering Power, which had solemnly subscribed to the principle of self-determination. Spain, which had given so many proofs of its goodwill, must take the necessary steps with a view to accelerating the process of decolonization by proceeding to organize, under United Nations auspices, the referendum referred to in paragraph 5 of resolution 2983 (XXVII).

12. With reference to agenda items 74 and 12, his delegation commended the work done by some specialized agencies in the field of decolonization. It asked them to continue their efforts and to intensify them in order to enable the liberation movements to continue their struggle for freedom and carry on the economic and social development of the vast liberated areas. Those agencies which still hesitated to take an active part in the work of decolonization should put an end to their hesitation and commit themselves to providing effective aid to the colonized peoples so that they could accede to freedom in satisfactory conditions.

13. Mr. DE PINIES (Spain), speaking on item 23, said that his delegation had been co-operating in the work of the Committee ever since 1961 and that he himself had personally had the honour of being first Vice-Chairman and subsequently Chairman of the former Committee on Information from Non-Self-Governing Territories. Moreover, Spain had transmitted information periodically to the Secretary-General in accordance with Article 73 e of the Charter, and his delegation had since 1961 provided the Fourth Committee with the political information which it had requested.

14. On 30 June 1973, the Permanent Mission of Spain to the United Nations had transmitted to the Secretary-General, as it did each year, annual information relating to the Territory of the Sahara, which, according to the express desire of the Spanish Government, contained particularly detailed information on the evolution of the political and institutional situation in the Territory.

15. Although the information had been transmitted within the usual time-limit, it had not been possible to include it in the working paper on the Sahara,<sup>1</sup> owing to technical difficulties. For that reason, he would subsequently set forth the main points included in the information provided by the Spanish Mission.

16. New and important events which had occurred in the process of institutional development in the Sahara since 30 June had also been brought to the knowledge of the Secretary-General, in a letter which he himself had addressed to the Secretary-General on 28 September 1973 and which was reproduced in document A/9176.

17. Following the stream of history, conscious of the fact that self-determination was an inalienable right of peoples and a moral imperative in the contemporary era, and faithful to the Charter and the beliefs of the United Nations, the Spanish Government had repeatedly made it known that it had firmly resolved to give the people of the Sahara an opportunity to exercise freely their right to self-determination when they desired to do so without outside pressure or interference.

18. So that there should be no doubts about the matter, his delegation had already reaffirmed at the previous session in the Fourth Committee (2004th and 2005th meetings) that only the Saharwis who had been born and were living in the Territory should participate in the consultations concerning their future. The Spanish Government had always firmly applied that criterion. Similarly, as his delegation had clearly stated at the preceding session, no one should doubt that the territorial integrity of the Sahara would be respected by all.

19. The Spanish Government not only accepted the principle of self-determination for the Sahara but continued to take the necessary measures to enable the Saharwis to exercise the rights relating thereto. Several extremely important events had taken place during the current year.

20. In the context of the process of institutional development, the Saharwis, through their General Assembly, had on 20 February 1973 decided to request, in a letter addressed to the Spanish Head of State (A/9176, annex I), that the legal institutions should be gradually extended, so that the people of the Sahara might have a greater share in the functions and powers of their internal administration. At the same time, the Assembly of the Sahara had again expressed its conviction that the stage of self-determination initiated by that declaration would in due course lead to the determination of the Saharwis' future through the solemn and momentous act of a referendum.

21. On 6 March 1973, the Spanish Head of State had acknowledged receipt of the letter from the General Assembly of the Sahara and had instructed the Spanish Government to study the request formulated in that letter with the greatest care (*ibid.*, annex II). Subsequently, after the election of the new members of the Assembly, which had taken place on 10 June 1973, and thus after the reorganization of the Assembly, the latter had held an extraordinary meeting on 28 July, in the course of which

<sup>1</sup> Document A/AC.109/L.876.

the representatives of the Saharan people had decided formally to approve the letter of 20 February addressed to the Spanish Head of State as well as the requests it had contained (*ibid.*, annex III).

22. In pursuance of the instructions of the Spanish Head of State, those requests had been studied with the greatest care and in a constructive spirit and the Spanish Government had addressed a reply to the General Assembly of the Sahara, the text of which had been adopted by the Council of Ministers of Spain and approved and signed by the Head of State on 21 September 1973 (*ibid.*, annex IV).

23. On 27 September, the Political Committee of the General Assembly of the Sahara had received the reply from the Spanish Government and, at the session held from 13 to 15 November 1973, the Assembly had unanimously expressed its agreement with the contents of the reply.

24. He wished to lay stress on several basic principles set forth in the letter of 21 September (*ibid.*). First, the Spanish State guaranteed the territorial integrity of the Sahara. Second, the Spanish State acknowledged the Saharan people's ownership of all the natural resources of the Territory and the proceeds of their development. Third, the Spanish State solemnly reaffirmed that the population of the Sahara should alone exercise its right to self-determination in order to decide upon its future. Fourth, the General Assembly of the Sahara would draw up the provisions concerning the internal affairs of the Territory. Fifth, provision was made for a legislative process which, in accordance with the provisions of the United Nations Charter, would promote and facilitate the exercise of self-government by the Saharan population. Sixth, the acceptance by the General Assembly of the Sahara of the basic provisions on which the new statute of the Territory would be based neither replaced nor diminished the right of the Saharan people to self-determination, for which that new stage was a necessary preparation.

25. His delegation informed the Fourth Committee of the satisfaction it felt in being able to report on the great progress made since the end of the last session of the General Assembly along the lines provided for in the United Nations Charter.

26. The Spanish Government was convinced that the process of self-determination in the case of the Sahara, far from constituting a reason for discord, should be a factor of peace and stability for the entire region. For that reason, the Spanish Minister for Foreign Affairs had had repeated contacts with the Ministers for Foreign Affairs of the neighbouring countries and had held talks with them on several occasions during the current year. Those contacts would be continued in the future, a future that could be contemplated with serenity and hope, since the Saharan people were advancing towards the exercise of self-determination with the co-operation and support of the Spanish Government and people.

27. Turning to the question of Gibraltar, he mentioned that, during the general debate that had taken place at the beginning of the current session (2133rd plenary meeting), the Spanish Minister for Foreign Affairs had drawn the attention of the Assembly to the continued existence of the

colony of Gibraltar, the last remaining colony in Europe and one which the administering Power planned to maintain as a vestige of the British imperial past, and in defiance of reason, law and the relevant resolutions of the United Nations. He would not dwell on the question, since the Fourth Committee and the General Assembly itself had in the past had the opportunity to hear all the arguments of Spain and of those delegations which, by an overwhelming majority, had manifested, both by their statements and by their votes, their wish that Spain should recover that part of Spanish soil.

28. Between 1963, the year in which the Special Committee had begun considering that question, and 1968, the United Nations had firmly and resolutely formulated a policy with regard to the case of Gibraltar, to which he would subsequently refer.

29. For the sake of greater clarity, it might perhaps be useful to recall the history of that colony.

30. In 1704, at the time of the War of the Spanish Succession, the United Kingdom had sided with one of the pretenders, the Archduke Charles of Austria. Gibraltar had not been a special case, and, like other regions of Spain, it had sworn allegiance to the pretender Philip V of the Bourbon dynasty. The fortress had surrendered to the combined forces of the English and the Dutch. He then read out the section of the *Encyclopaedia Britannica* concerning that shameful page of English history:

“Apparently, the invaders had fought to defend the interests of Charles, Archduke of Austria—the future Charles III—but although he had proclaimed his sovereignty [*sic*] over the Rock on 24 July 1704, Sir George Rooke, on his own responsibility, caused the British flag to be hoisted and took possession in the name of Queen Anne. It does little credit to England that it sanctioned and ratified the occupation in defiance of the most elementary principles and that it did not recompense the General for the unscrupulous patriotism to which it owed the acquisition of the Rock. The Spaniards felt keenly the injustice done them, and the inhabitants of the town of Gibraltar abandoned their homes in large numbers rather than recognize the authority of the invaders”.<sup>2</sup>

31. It was obvious that the United Kingdom, which currently appeared to be so heedful of the will of the inhabitants, had not asked the inhabitants of the time whether they accepted the British sovereignty imposed on them by force of arms. There was no doubt that the population had mattered little to the United Kingdom and that it had cared solely for its imperial designs.

32. Later, the few inhabitants who had remained had decided to follow those who had left. That information had already been made known to the Fourth Committee in the past.

33. The Treaty of Utrecht, which had been concluded in 1713 after that act of armed conquest, had contained a number of provisions by virtue of which trade between the

<sup>2</sup> *Encyclopaedia Britannica*, Adam and Charles Black (Edinburgh, 1879), vol. X, p. 586.

garrison and the neighbouring territory had been suppressed, land communications had been forbidden and a clause had been introduced whereby the Territory would be restored to Spain if the British Crown decided to give up, sell or alienate the fortress in any way.

34. Since the very beginning of the British occupation, Spain had been struggling to recover the garrison. It had laid siege to it on many occasions and, in order to avoid more serious conflicts and confrontations, had decided to set up a "neutral camp" under the sovereignty of Spain. In 1830 the British Government had declared Gibraltar a Crown Colony. In 1909 the British authorities had ordered the construction of a barrier across the isthmus, which had never been ceded—namely through the middle of the "neutral camp"—and had thus provoked protests on the part of Spain. In 1938, profiting from the difficulties of the civil war in Spain, the British had constructed an airport on the isthmus and in 1966 the United Kingdom had unilaterally proclaimed its sovereignty over that territory.

35. In 1946, at a time when Spain had not yet become a Member of the United Nations, the United Kingdom had placed Gibraltar on the list of Non-Self-Governing Territories (see General Assembly resolution 66 (I)). Doubtless it had thought that in that way it could one day use the subterfuge of self-determination to prevent Spain from recovering sovereignty over the Territory, forgetting that, under the terms of the Treaty of Utrecht, any change in the sovereignty of Gibraltar would entail restitution of sovereignty to Spain and also forgetting that the principle of self-determination could never be applied to a military base. That absurd claim had been disregarded by the United Nations, and it had been decided that in the case of Gibraltar the principle of territorial integrity was applicable, in pursuance of paragraph 6 of General Assembly resolution 1514 (XV) and the preamble to General Assembly resolution 2353 (XXII).

36. The territory covered an area of barely 5 square kilometres, and its population was 19,007 inhabitants according to the figures given in chapter XIII of the report of the Special Committee (A/9023/Add.4, annex, para. 4). To juggle other figures or to speak of 26,000 or 29,000 inhabitants was out of place. The figure of 29,254 inhabitants given in the report was reached by counting the British and the foreigners, but the only inhabitants to which it was possible to refer were the 19,007 Gibraltarians. It should be remembered in that connexion that Gibraltarian status was determined by the Gibraltar Status Ordinance of 1 June 1962, in which it was stipulated that whoever was born in Gibraltar of parents having Gibraltarian status on 30 June 1925 enjoyed the status of Gibraltarian. By an odd coincidence, that date had been chosen because it had immediately preceded the birth of the first child of Indian parents settled in Gibraltar and the intention had been to deprive that child of Gibraltarian status. It should be added that a person could lose his Gibraltarian status if the Governor felt that he had shown disloyalty to the Crown.

37. It was not, however, the size, which was fairly small, of the foreign population that was the determining factor on which the General Assembly had based its rejection of self-determination, but the fact that only the indigenous

population should exercise the right of self-determination. If the Spanish population in Gibraltar had been refused that right, it was difficult to see who could claim it. He would return to that point later.

38. In mentioning all those points, he reminded the Committee that in the past, and in the light of that situation, the following decisions had been adopted: the consensus of the Special Committee of 16 October 1964,<sup>3</sup> General Assembly resolution 2070 (XX) of 16 December 1965, General Assembly resolution 2231 (XXI) of 20 December 1966, the resolution of the Special Committee of 1 September 1967,<sup>4</sup> General Assembly resolution 2353 (XXII) of 19 December 1967 and General Assembly resolution 2429 (XXIII) of 18 December 1968.

39. As the Minister for Foreign Affairs of Spain had indicated in the General Assembly at the 2133rd plenary meeting, the decisions of the Assembly, the last of which (resolution 2429 (XXIII)) had fixed 1 October 1969 as the date for the decolonization of that colony, rested on the following essential elements: first, the situation in Gibraltar was of a colonial nature; secondly, it should be ended through negotiations between Spain and the United Kingdom; thirdly, General Assembly resolution 1514 (XV), and specifically paragraph 6, which provided that the principles of national unity and territorial integrity must be taken into account, applied to that situation; and fourthly, the interest of the Gibraltarians must be protected on termination of the colonial status.

40. Such was the United Nations doctrine on Gibraltar.

41. The territory of the colony of Gibraltar, 80 per cent of which consisted of a rock with tunnels protecting military installations, had been extended, after negotiations on its decolonization had been initiated in London in May 1966, to an area which was entirely under Spanish sovereignty. The United Kingdom, in defiance of law and reason, had unilaterally proclaimed its sovereignty over a part of the isthmus which had never been ceded by Spain. Thus, in 1967, the military occupation by a State Member of the United Nations had been carried out in a small part of the territory of another Member State, Spain.

42. Spain was being subjected to a continuing aggression which was merely leading to illegal, serious, disturbing and dangerous situations that must, of course, one day be ended. The United Kingdom should not use Spain's good intentions and its willingness for dialogue and negotiation as a blank cheque enabling it to perpetuate that colonial situation.

43. The part of the isthmus in question had constituted a zone which, by mutual agreement, had been neutralized, first to isolate the inhabitants of the colony attacked by contagious diseases and, afterwards, precisely to avoid confrontation and friction, but it had always remained under Spanish sovereignty. Use had become abuse. In 1938, during the civil war, the United Kingdom had decided to encroach on an area used for sports and containing a

<sup>3</sup> *Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 8 (part I), document A/5800/Rev.1, chap. X, para. 209.*

stadium in order to construct a military airport. Just as they had during the 1704 War of the Spanish Succession, the British had indulged in an act of territorial usurpation, taking advantage of the opportunity offered by an internal conflict.

44. It had been necessary to equip the military fortress, and in particular its arsenal, with manpower. Thus it was that the current population on Gibraltar had no origin other than the British "settlers" and other persons who had come from abroad to work and trade on the military base. The population had arrived at irregular intervals, according to need. Gibraltar no longer had at its disposal the Spanish work force which had been the object of discriminatory treatment; indeed, the workers had not even had the right to spend the night in Gibraltar and had received much lower wages than those paid to the British on the military base. But how could they have been allowed to spend the night there? If the possibility of residing normally in Gibraltar had not been subject to restrictions, the Spanish would have returned to settle there and would once again have constituted the main population group. From the point of view of British imperial strategy, it had been necessary to prevent that situation from occurring, and that was why the Spanish had been refused the right to remain in Gibraltar overnight.

45. The facts to which he had just referred and the intention of the United Kingdom to remain in the colony had led Spain to apply strictly the provision of the Utrecht Treaty under which there should be no land communication there. That provision was binding on both the British and the Spanish, and the two parties must respect it.

46. The United Kingdom, instead of negotiating with Spain for the decolonization of Gibraltar in accordance with the doctrine laid down by the United Nations, had preferred, by an Order-in-Council, to insert in the preamble of the so-called 1969 Constitution of Gibraltar—after the United Nations doctrine on the decolonization of Gibraltar had been laid down—clauses according to which Britain could not return sovereignty to Spain without the consent of the Gibraltarians. Members of the Committee would recall how in 1967 the United Kingdom, following a referendum held concurrently with the deployment of the British fleet, which had then been carrying out large-scale manoeuvres at Gibraltar, had claimed that the Gibraltarians had been loyal to it, as if they could have ceased to be otherwise in view of their situation. How could a military base seek self-determination? Obviously, the General Assembly had known what it was doing when, in paragraph 2 of resolution 2353 (XXII), it had declared the holding of the referendum of 10 September 1967 by the administering Power to be a contravention of the provisions of General Assembly resolution 2231 (XXI) and those of the resolution adopted on 1 September 1967 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.<sup>4</sup>

47. The language used by the United Kingdom delegation in its obstinacy should be noted. At the 2133rd plenary

meeting, on 28 September 1973, the United Kingdom representative had stated that his country regretted that it had not been possible to make more rapid progress towards settling the differences over Gibraltar. He himself wondered how it was possible to describe as progress something which had not budged an inch. One had to speak plainly. There had been no progress, either rapid or slow, and the fault was not Spain's, as he would explain later. His delegation did not believe that the disagreement between the United Kingdom and Spain arose "from differences of legal interpretation". It was not a question of interpretation. Gibraltar was a colony which must be decolonized in accordance with the doctrine laid down by the United Nations. The representative of the United Kingdom had added that his country had made a firm offer to refer the legal differences to the International Court of Justice, but unfortunately the Spanish Government had not accepted that offer. He himself must add: "Neither did the United Nations". It was not a matter of legal controversy; it was a political question which, moreover, had already been defined by the General Assembly. If one accepted the argument of the United Kingdom delegation, all the decisions of the General Assembly should be revised by the legal body of the United Nations.

48. His delegation did not deny that the question of Gibraltar affected persons who, like the Gibraltarians, deserved respect and affection, but the General Assembly had refused to accede to the desire of the British to give a false interpretation to Article 73 of the Charter. Since when was the right set forth in Chapter XI applicable to a military base and its employees? If the United Kingdom withdrew the military base, then there could be reason to begin thinking that it truly wished only to protect the Gibraltarians.

49. Furthermore, it would be sufficient to examine the reports by the Secretariat of the United Nations containing information provided by the administering Power to see how trade, traffic and income on Gibraltar had decreased in recent years. If the United Kingdom was in fact greatly interested in the lot of the Gibraltarians, the victims of that situation, it would make sincere efforts to end that colonial situation.

50. In order to defend itself from abuse by the British and to protect its sovereign rights, Spain had been compelled to adopt various measures, including the creation of a safety zone within its air space. The waters of the bay of Algeciras and Spanish air space were subjected to continual violations, nuclear submarines put in more and more frequently at the port of Gibraltar, emptying their dangerous wastes into the waters which washed the Spanish coast, and Spain had repeatedly protested, as the Secretary-General of the United Nations knew. In February 1973, Gibraltar had been the scene of the largest British naval concentration of recent years. The Spanish Government had wished to contribute to the relaxing of the tensions which had arisen between the two countries and talks had been continuing since November 1969 between the Spanish and British Ministers for Foreign Affairs. Spain was endeavouring to open a constructive dialogue, but it was obvious that the United Kingdom had been unwilling to enter into negotiations. Spain had presented proposals of all kinds and, concerned principally with the interest of the Gibraltarians

<sup>4</sup> *Ibid.*, Twenty-second Session, Annexes, addendum to agenda item 23 (A/6700/Rev.1, chap. X, para. 215).



in seeing the colonial situation brought to an end, Spain had offered them a broad, generous statute which provided them with a wide choice of solutions: enabling them to keep their British citizenship, to acquire Spanish citizenship, to have dual citizenship, or to retain the existing system of government and administration of the town of Gibraltar. Thus, Gibraltarians could retain all the facilities which they currently enjoyed and could, in addition, participate in the development of Spain and, in particular, in the development of the region to which Gibraltar belonged. The Spanish Government was open to any suggestion, but results had always been negative. The United Kingdom had never made any effort to explain the content of all those constructive proposals to the population.

51. After mentioning all those considerations, the Spanish delegation wished to reiterate before the Committee that Spain could not continue to tolerate the British presence on Spanish soil. The General Assembly, in its resolution 2429 (XXIII), had set 1 October 1969 as the deadline for the decolonization of Gibraltar. That date had long since passed. The British Government continued to flout United Nations resolutions. The Spanish delegation again requested that, through a constructive dialogue between Spain and the United Kingdom, negotiations should be initiated to put an end to the colonial situation of Gibraltar, for Spain could not remain indifferent to the abuses represented by the continued violation of its territorial integrity and its sovereign rights, or to the risk implicit in the imposed presence of a military base on Spanish soil.

52. He did not wish to burden the members of the Committee with further details of the offers that Spain had made to the United Kingdom Government in the interests of the population of Gibraltar. Spain regretted the fact that 19,007 Gibraltarians were victims of that colonial situation. The Gibraltarians knew that; they entered Spain through other points on the isthmus, visited Spanish cities and travelled throughout the national territory; Spain's development was no secret to them.

53. The time was past when the United Kingdom had been able to use that colony as a base from which to take unfair advantage of Spain. Spain would continue to take all the measures necessary for the defence of its rights with a view to securing the return of Gibraltar. The United Kingdom maintained that it had the right to remain in Gibraltar under the terms of the Treaty of Utrecht. However, in that same instrument on which the United Kingdom based its claim, it was stipulated that there could be no communication by land between the fortress of Gibraltar and the country round about. Nor could the United Kingdom occupy the isthmus which Spain had never yielded. The United Kingdom was endeavouring to perpetuate its colonial presence in Gibraltar and, in doing so, was defying the United Nations.

54. Turning to the question of the Falkland Islands (Malvinas), he pointed out that the resumption of negotiations on that question and the restoration of sovereignty over the islands to Argentina were matters of urgency.

55. Mr. EL HASSEN (Mauritania) requested that the statement of the representative of Spain be reproduced *in*

*extenso*, since it had given the Committee interesting information concerning Spanish Sahara. He would revert to the matter later.

56. Mr. ZENTAR (Morocco) said that the Moroccan delegation attached the greatest importance to the problems of Spanish Sahara. That question had thus far been dealt with by the Fourth Committee in a conventional and routine manner, but was now being approached in a new spirit. The representative of Spain had provided information to which he had listened with rapt attention. Like the representative of Mauritania, he would like the text of the Spanish representative's statement to be reproduced *in extenso*. After careful examination of that statement, he would speak again on the question of Spanish Sahara.

57. Turning to the question of Gibraltar, he said that he supported Spain in its call for the unconditional decolonization of Gibraltar.

58. Mr. BENYAHIA (Algeria) said that he had listened with keen interest to the representative of Spain and joined with the representative of Mauritania in requesting that it be reproduced *in extenso*. He reserved the right to revert to the question later.

59. The CHAIRMAN recalled that the cost of reproducing statements *in extenso* amounted to approximately \$100 per page of summary record.

60. If there was no objection, he would take it that the Committee wished to adopt the proposal made by the representative of Mauritania.

*It was so decided.*

61. Mr. VLASCEANU (Romania) said that, for the moment, his delegation wished to refer only to items 74 and 12. As the representative of Sweden had emphasized at the previous meeting, the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations was a very important question, separate consideration of which would have greatly served the cause of decolonization. However, the Romanian delegation was convinced that the procedure adopted would not in any way prevent the Committee from proposing to the General Assembly important new measures concerning the granting of assistance to colonial peoples.

62. Because of the important changes which had been taking place in the irreversible process of the elimination of colonialism, the specialized agencies and international institutions associated with the United Nations must increase their assistance to colonial peoples and adapt it to the current requirements of the national liberation struggle, as the representatives of the liberation movement had stressed. The debates on decolonization had revealed in a striking manner not only that the peoples under colonial domination were determined to use any means in their struggle to obtain recognition of their sacred right to a free and civilized life, particularly in Angola, Mozambique, Namibia and Southern Rhodesia, but also that the liberation movements had embarked on broad programmes of

national reconstruction, in spite of the intensification of the repressive measures taken by the colonialist and racist régimes, in the liberated areas in which the natural resources had been exhausted by intensive exploitation. It was therefore important for the international community to seek more effective means of increasing its assistance and support for the struggle for independence being waged by the peoples of southern Africa.

63. In that connexion, the Romanian delegation noted with satisfaction the efforts made by the Secretary-General, the Special Committee—which had established contacts with the Council for Namibia and various specialized agencies—and, in particular, by the working group on the implementation by the specialized agencies and international institutions associated with the United Nations of the Declaration on the Granting of Independence, with a view to finding ways of providing material assistance to the peoples struggling for their independence and of ensuring that they were represented in those bodies and in any debates concerning their Territories. The Romanian delegation had also noted with satisfaction that chapter VI of the report of the Special Committee (A/9023 (part V)) showed that a number of specialized agencies and international institutions associated with the United Nations had taken positive steps to implement the Declaration on the Granting of Independence and the other relevant United Nations resolutions. Nevertheless, the question of assistance to national liberation movements, including assistance for the reconstruction of the liberated areas, remained particularly grave, especially since many specialized agencies and institutions associated with the United Nations had not yet expressed their wish to co-operate with the United Nations in providing assistance to national liberation movements or in discontinuing all support for the colonialist and racist régimes. It was therefore the duty of the United Nations agencies to make a greater contribution to expediting the elimination of the vestiges of colonialism and to affirm the right of all peoples to decide their own fate, for those agencies had the resources needed to provide those peoples with substantial support. The resolutions by which the United Nations had recognized the legitimacy of the national liberation struggle provided a legal basis for the support that the international institutions could give to that struggle, for those decisions implied the provision of the necessary assistance to peoples under colonial domination and to the populations of the liberated Territories, in accordance with the urgent and repeated appeals made by the General Assembly to all States and international institutions. The resolutions adopted by the United Nations constituted sufficient grounds for the specialized agencies and international institutions to take appropriate measures to assist the peoples under colonial domination.

64. His delegation shared the opinion expressed by the Special Committee in the decision adopted at its 946th meeting (*ibid.*, para. 8) to the effect that the United Nations, the specialized agencies and the institutions associated with the United Nations should intensify their efforts in several directions, in accordance with the requirements of the national liberation struggle. His delegation therefore considered it to be absolutely necessary that, in the draft resolution to be adopted at the current session, the General Assembly should request the specialized agencies first, to ensure, in consultation with the Organization

of African Unity (OAU), that the liberation movements were represented in the debates on all matters regarding their Territories; secondly, to study the possibility of granting the liberation movements the necessary status to participate on a permanent basis in the work of those organizations; thirdly, to show flexibility in their procedure and to make adequate arrangements for working out, in consultation with OAU, a concrete programme of assistance to the peoples of the colonial Territories, with particular reference to reconstruction in the liberated areas and to a broadening of the assistance granted to the refugees from colonial Territories; fourthly, to put an end to any collaboration with the colonialist and racist régimes of Pretoria, Lisbon and Salisbury until they abandoned their policies of domination and to refuse them the right to represent the Territories under their domination; and fifthly, to amend their mandate and rules of procedure, or to interpret the latter in a more flexible manner, in order to implement the Declaration on the Granting of Independence to Colonial Countries and Peoples and other pertinent resolutions, grant material support to the colonial peoples and accept the participation of the representatives of the liberation movements.

65. His delegation noted with satisfaction that the pursuit of co-operation and contacts between the specialized agencies and the institutions associated with the United Nations, as well as the co-ordination of efforts between the United Nations and OAU would be of foremost concern to the higher officials of those organizations. The adoption of such measures would encourage the international organizations to concentrate their efforts on the implementation of the Declaration, and would assist in speeding the process of eliminating the last vestiges of colonialism and in ensuring the full victory of the colonial peoples in their legitimate struggle for national independence.

66. His country actively favoured the full implementation of United Nations resolutions; it would continue to grant moral, political and material support to the colonial peoples and would support their cause within the specialized agencies and international organizations. His delegation, as a sponsor of the previous draft resolution on that item, subsequently adopted by the General Assembly as resolution 2980 (XXVII), would continue to support United Nations efforts towards intensifying the assistance granted to the colonial peoples to help them obtain and consolidate their national independence.

67. Mr. ARAIM (Iraq), referring to item 23, said that, as a member of the Special Committee, he objected to the very negative attitude of the administering Powers, whose lack of co-operation rendered the task of the Fourth Committee and the Special Committee very difficult. In his view, all the administering Powers should participate in the debates on the Non-Self-Governing Territories in the Special Committee and should admit visiting missions to those Territories. The Special Committee studied the particular situation of each Territory, its geographical situation, population, etc., within the context of the exercise of the right to self-determination, but it in no way sought to impose a predetermined solution on the peoples themselves. In those circumstances, it was difficult to understand why the administering Powers were reluctant to co-operate with the Special Committee. Some of them alluded to technical



difficulties which stood in the way of such co-operation, but that argument could not be regarded as valid. Furthermore, the colonial Territories, whatever their characteristics, should all be placed under the Special Committee's mandate until they were able to exercise their right to self-determination. The co-operation of the administering Powers, the peoples of the Non-Self-Governing Territories and the other parties concerned and the implementation of the relevant United Nations resolutions would ensure the victory of the cause of decolonization.

68. Mrs. SKOTTSBERG-ÅHMAN (Sweden) deplored the fact that, for some years, the Committee had been in the habit of grouping together all questions other than those relating to southern Africa. That system was aimed at saving time, but had nothing else to commend it. In that way, a number of questions were not given the attention they deserved. The Committee devoted nearly its entire session to the consideration of southern Africa, to the detriment of the small Territories, most of which were studied only very superficially, despite the fact that the questions involved were often very complex. Those Territories perhaps represented only a small total area, but the importance of a problem should not be determined solely by its physical dimensions.

69. The administering Powers were required, under the United Nations Charter, to promote the well-being of those Territories, to ensure their advancement, to develop self-government, to take due account of the political aspirations of the peoples and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each Territory. That was the framework within which peoples should exercise their right to self-determination, and it was most encouraging that, each year, resolutions concerning each of the small Territories were adopted which stressed the particular circumstances of each case. However, that had no real effect, since the General Assembly invariably added in the resolutions that such circumstances must in no way delay the implementation of its resolution 1514 (XV). In other words, therefore, all the small Territories must become independent, whatever their particular situation. The assumption was that all the Territories wanted their independence and that independence was the only outcome of self-determination.

70. General Assembly resolution 1514 (XV) was made into a dogma, and the Charter was forgotten. It was forgotten, too, that the General Assembly had also adopted resolution 1514 (XV), which proposed other forms of decolonization. The road to independence should not be followed automatically for all Territories: it was always advisable to distrust abstract principles which did not tally with the facts and which were not appropriate when dealing with human beings. It did seem that the fact that the United Nations scarcely admitted the existence of forms of self-government other than independence explained why the Special Committee and the Fourth Committee apparently found it difficult to consider the situation of the small Territories in a realistic and objective manner. But if the United Nations did not help those Territories to progress towards self-determination with due regard for their particular conditions, it would have failed in its task.

It must adopt a much more flexible attitude, albeit without compromising on the principle of self-determination itself. The words "self-determination" and "independence" were used so often in the United Nations that there was a tendency to confuse them, whereas the two concepts were not interchangeable. It was stated in General Assembly resolution 1514 (XV) that "All peoples have the right to self-determination; by virtue of that right they freely determine their political status", thus clearly indicating that a choice was possible and that independence was only one of several solutions.

71. However, the current situation offered some encouraging signs: increasing interest was being taken in the problems of the small Territories, and there was a better understanding of the need for the United Nations to view those problems in a more realistic light. On 8 March 1973, at the 903rd meeting of the Special Committee, her delegation had called attention to a study made in 1971 by the United Nations Institute for Training and Research regarding the status and problems of small States and small Territories.<sup>5</sup> One of the ideas put forward in that study would be easy to implement: namely the preparation of a general list of the various solutions that could be adopted, and a more detailed list of the solutions open to each Territory, account being taken of its particular situation. In those circumstances, it was disappointing to note that the Committee itself showed no readiness to innovate, and instead continued to group all the questions under the same agenda item. Of course, neither the Fourth Committee nor the Special Committee had enough time each year to consider all the Territories separately, but they could choose a few each year and, after exhausting the list of Territories, they could start again from the beginning, in order to take account of the changes that would have occurred in the meantime, necessitating a fresh study of the Territory concerned. In that way, the United Nations would acquire a deeper understanding of the problems of those Territories and would no longer risk losing the confidence of their peoples.

72. Mrs. WEISS (Austria) said that her delegation wished to participate in the general debate on items 23, 69, 74 and 12, 75 and 76, with particular reference to item 76, dealing with offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories. Her country attached particular importance to that subject and had for some years contributed in various ways to the training programme for the inhabitants of Non-Self-Governing Territories, as called for in General Assembly resolution 845 (IX). Her delegation was pleased to announce that, within the framework of that programme, the Austrian Interministerial Committee on Development Questions had decided on 19 November to grant 370,000 Austrian schillings, which was the equivalent of about \$US 20,000, to finance two scholarships for two inhabitants of Non-Self-Governing Territories to follow a two-year course at the Teachers' Training College for Technical Professions at Mödling, in Austria. Her delegation hoped that that programme, however modest, would be a further step towards the common goal of self-determination and independence for the peoples of southern Africa.

<sup>5</sup> Document ST/3/1951 of the United Nations Institute for Training and Research.

73. Mr. WALTER (New Zealand) said his delegation had many times pleaded that the Committee should set aside sufficient time for the small Territories. Their small size, tiny populations, isolation and paucity of resources meant that they required special and sympathetic attention. Often, the question was not when they should exercise the right of self-determination, but how, and the same formula could not be applied to all of them.

74. It was encouraging that the Special Committee had devoted several meetings in 1973 to a preliminary exchange of views on the matter. Delegations had welcomed the initiative of Sweden in suggesting that the Special Committee should take up the question, and had generally agreed that the problems of the Territories concerned should be studied individually. The debate had been a helpful prelude to the work of Sub-Committee II. He endorsed the view expressed by the representative of Mexico the previous week at the 2170th plenary meeting concerning agenda item 23: the Fourth Committee should endeavour at its next session to strengthen the efforts of the Special Committee by devoting a greater number of meetings to the question of implementation of General Assembly resolution 1514 (XV) in the Caribbean, the Pacific and other parts of the world.

75. In 1971 New Zealand had invited the Special Committee to send a Visiting Mission to its two remaining Non-Self-Governing Territories: Niue and the Tokelau Islands. A three-member mission headed by the Chairman of the Special Committee had visited Niue in 1972, and the visit had been helpful not only to both Niue and New Zealand but also to the United Nations, in that it had deepened its understanding of conditions in that small Pacific island.

76. No Territory suffered more severely from isolation than the Tokelau Islands, lost in the vast Pacific. It was, indeed, that isolation which had prevented the 1972 mission from including them in its itinerary, although representatives of UNDP and other United Nations agencies had visited them to survey possible development projects. New Zealand and the people of the Tokelau Islands remained ready to welcome a fact-finding mission from the Special Committee.

77. The difficulties confronting the 1,600 inhabitants of the three tiny atolls which made up the Territory were small size and isolation, infertility of the soil, heavy but inconsistent rainfall and cyclones. In addition, the population was rising rapidly, and the atolls were becoming overcrowded. More than anywhere else in the Pacific, economic development of any kind was virtually impossible.

78. There was no permanent New Zealand presence in the Territory. The people ran their own affairs according to their traditions. On each island, officials were elected democratically for a three-year term.

79. Small as their Territory was, the Tokelauans took an active interest in regional affairs. They regularly attended the annual South Pacific Conferences, and in 1973 a Tokelauan had held office as Deputy Chairman of the Conference.

80. As the administering Power, New Zealand had concerned itself with the people's education, health and economic needs to the extent possible without undue interference with their way of life and taking full account of their limited resources.

81. There was a school on each island. The teachers were Tokelauans, with the exception of three New Zealand teaching couples. Scholarships enabled young Tokelauans to receive secondary and university education or trade training in New Zealand. A small hospital was currently being built on each of the atolls. Finally, there was a public service consisting primarily of local recruits.

82. The future of the Territory had long been a pre-occupation of the people and their administrators. Every family had been given a copy of General Assembly resolution 1514 (XV). Nothing had yet been finally decided, but the decision would certainly be made by the Tokelauans themselves. They were still linked with New Zealand and wished to remain so. They also knew that the New Zealand Government was not prepared to see the colonial relationship perpetuated. They had rejected union with the Cook Islands or with Western Samoa, despite New Zealand's promise to continue to provide aid. The Tokelauans clearly thought that emigration to adjacent islands or to New Zealand was probably the answer to their problems, particularly that of overpopulation, and many of them might want to settle in New Zealand, because of the economic and social opportunities offered there. The New Zealand Government had accordingly continued to implement a programme enabling those who wished to be resettled in New Zealand; by the beginning of March, 458 Tokelauans had settled in New Zealand under that programme, and a number of their relatives would soon join them. It had recently been proposed that resettlement in Niue should be encouraged, but despite the interest shown in that possibility, no decision had been taken.

83. Mr. PAQUI (Dahomey), speaking on item 23, said he wished to state his delegation's position with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. As the President of the Republic of Dahomey had said, the fundamental characteristic and prime source of Dahomey's backwardness, like that of the majority of countries which were still colonized or neo-colonized, was foreign domination, and that domination and its consequences must be eliminated by all means available. The right to self-determination was a sacred right of all peoples, and Dahomey attached the greatest importance to the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, since it was convinced that freedom was priceless. His delegation wished to congratulate the Special Committee on its report (A/9023 (parts I-V) and Add.1-7) and on the positive work carried out during 1973, and hoped that in 1974 it would have the benefit of more favourable conditions for the accomplishment of its task. It was pleased to note from reading the report that there was good co-operation between the Special Committee and the Governments of Australia and New Zealand, and it also welcomed the forthcoming accession to self-government of Papua New Guinea. Nevertheless, his delegation noted with regret that other administering Powers had not shown the same co-operation, and

in particular refused to accept visiting missions. His delegation would continue to endorse all the recommendations of the Special Committee until those administering Powers understood the need to co-operate with it fully and completely.

84. He did not intend to deal with all the Territories the Committee had studied, but would confine himself to making a number of comments on the statements made in the Committee by the administering Powers the previous week. Among the positive elements were the fact that at the 2064th meeting the representative of France had taken the initiative of addressing the Committee on the development of the administrative and political situation of the Comoro Archipelago and that the representative of the United Kingdom had said at the 2065th meeting that his Government paid close attention to the work of the Special Committee, although it no longer participated in its activities. Nevertheless, he had to confess that some points in the French statement on the Comoro Archipelago appeared unclear to him. He would like France to clarify why it wished to undertake new consultations when 78.5 per cent of the inhabitants had already expressed their aspirations clearly. It could not be a question of elections, since elections had already taken place. If it was a question of a referendum, it was difficult to avoid coming to the conclusion that that was a devious way of making the population say something it did not wish to say, since it had already had an opportunity to pronounce itself definitively on the substantive question. The clear aim of such consultation was dismemberment of the Archipelago. The representative of France had, moreover, himself referred to the regionalization of the Comoro Archipelago. The Committee could not obtain a clear picture of the situation in the Archipelago unless the administering Power authorized a visiting mission to visit it. Furthermore, the balkanization of the Archipelago must be avoided at all costs, and the only way of doing that was to have all the political parties unite around one and the same programme with a view to acceding to independence in unity, while providing for subsequent study of the means which would enable each island to have its own personality.

85. He would not speak at length on the statement by the representative of the United Kingdom. The latter's argument that none of the islands under United Kingdom administration would be viable left to themselves could not be taken seriously. The United Kingdom representative had said that his Government was concerned only with the aspirations of their peoples; the United Kingdom should then accept visiting missions, to prove its good faith. Indeed, he himself invited all the administering Powers to co-operate fully with the Special Committee by enabling it to enter all the Territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples applied, so that it could gain a good understanding of the real situation. That might perhaps enable the Fourth Committee to overcome the present obstacles to its progress.

86. Mr. WORSLEY (United Kingdom), speaking in exercise of the right of reply, said that the United Kingdom had no doubt as to its sovereignty over Gibraltar and the responsibilities which that placed upon it. Accordingly, he could not accept a number of assertions regarding the legal

position made by the representative of Spain that morning or by other representatives in the course of the debate, in particular the statements made by the representatives of Costa Rica and Honduras in the General Assembly at the 2136th and 2148th plenary meetings respectively.

87. The representative of Spain had referred to a series of proposals put forward by the Spanish Government on the question of Gibraltar. His own delegation would consider them carefully and at an appropriate moment would convey its reaction to the Spanish delegation. It could already be said, however, that those proposals were much on the same lines as proposals made in earlier years by the Spanish Government and on which the United Kingdom Government had already explained its reasoning to that Government.

88. At the previous meeting he had stated that his Government would respond to the wishes of the inhabitants of its remaining dependent Territories, in accordance with Article 73 of the Charter of the United Nations. His Government regarded the "interests" and the "wishes" of the people of those Territories as inseparable and it was up to them to decide what they considered to be in their best interests. That was the foundation upon which its policy rested and it could not accept General Assembly resolutions which conflicted with that.

89. The Charter put the interests of the inhabitants first, and as the United Kingdom representative had pointed out at the 2133rd plenary meeting, the Gibraltar question was not a matter of some five square kilometres of rock; it was a question of the inhabitants of that rock.

90. Accordingly, it was not the reaction of the United Kingdom Government to what the representative of Spain had said that mattered most; it was the reaction of the people of Gibraltar to the Spanish proposals. Those proposals clearly had not been accepted thus far. If they were in the future, the United Kingdom would not stand in the way. The proposals would be conveyed to the authorities in Gibraltar, where they would be widely publicized. Spain for its part would have no difficulty ensuring that the proposals were fully understood in the Territory, where Spanish newspapers and television had a wide audience.

91. The United Kingdom Government welcomed that in advance, for it would like to see more direct contacts and co-operation between Gibraltar and Spain. In the absence of freedom of movement across the frontier, personal contact was infrequent, with the result that misunderstandings and lack of mutual confidence often arose. He formally invited the Spanish newspaper correspondents at the United Nations to visit Gibraltar on their way home to see the situation for themselves.

92. His Government warmly welcomed the great improvement in the whole range of Anglo-Spanish relations in recent years and hoped that that trend would continue. It was perhaps only on the question of Gibraltar that the two Governments did not see eye to eye. It was not a time for sterile arguments, but rather a time for flexibility, patience and mutual goodwill.

93. Mr. DE PINIES (Spain) said that the representative of the United Kingdom had read only part of Article 73 of the

Charter and had forgotten, in referring to the aspirations of the population, that, as was evident from subparagraph a, the Article applied to indigenous populations. The population of Gibraltar was not an indigenous population—it was hardly distinguishable from the population of the United Kingdom—and therefore was not called upon to exercise the right of self-determination. The arguments of the United Kingdom were not new and the General Assembly had already heard them when it had adopted resolution 2429 (XXIII), which requested the administering Power to terminate the colonial situation in Gibraltar and to begin the negotiations with the Government of Spain without delay. The United Kingdom representative had invited Spanish journalists who had come to New York for the General Assembly to return via Gibraltar to meet freely with the population; however, only the Spanish press correspondents usually based in the United States were now in New York. There was, of course, no reason why they could not visit Gibraltar.

94. Spain considered that it had demonstrated ample goodwill in the matter. Although it obviously could not prevent the United Kingdom from remaining in Gibraltar, it would like to eliminate that cause of friction and also wished to see the General Assembly resolutions on decolonization implemented. Spain hoped that the United Kingdom Government would also demonstrate goodwill in order to arrive at a just settlement of the question by abandoning the fantasy of self-determination, which was, moreover, rather strange in the case of a military base.

95. Mr. BENYAHIA (Algeria) said that he wished to make some comments concerning the manner in which the Committee's work was reported, in particular statements concerning Puerto Rico.

96. It was not the first time that Algeria had observed that statements by representatives of the third world were treated in the summary records in a manner which not only was unsatisfactory to his delegation but also provoked certain reactions on its part which, out of respect for the Secretariat staff, he preferred not to specify.

97. He was particularly displeased with the summary which had been made of his statement on Friday, 16 November, at the 2062nd meeting. That day, not for gratuitous reasons, but in keeping with his Government's policy and its position regarding decolonization questions, he had vigorously and solemnly expressed his objections to certain arguments raised by the representative of the United States designed to prevent the Fourth Committee from examining certain colonial problems by attempting to restrict the Committee's competence in that field. His delegation had been outraged that the representative of a great Power should arrogate to itself the right to demonstrate such discourtesy towards members of the Committee and its Chairman. On that occasion he had also stated that Algeria, which defended all colonial countries without distinction, had unreservedly endorsed the statement made at the same meeting by the representative of Cuba. He had also assured the United Republic of Tanzania of Algeria's solidarity, for Algeria maintained friendly relations with that country and co-operated with it on matters relating to decolonization in Africa and elsewhere.

98. He had also protested against the United States statement because it had been an attack, through the Special Committee, on its Chairman and its members, the majority of whom were from countries of the third world, for the simple reason that it was in the third world that decolonization problems existed.

99. Furthermore, he had emphasized that it had been scandalous that certain great Powers, not content with paralysing the United Nations by their veto in the Security Council, were also seeking to hamper the work of the General Assembly through the Fourth Committee.

100. He emphasized that no member of the United Nations could accept being reduced to the role of spectator. Each State represented was there to defend its position on the basis of its country's guiding principles and the commitments entered into with fraternal countries. Everyone was aware of the means by which the exercise of the right to self-determination could be ensured; the task of the Fourth Committee was to help accelerate the process of liberation of colonial peoples. To accomplish that, all countries must pay attention to one another; in particular, the colonial Powers must understand that other countries were not there to listen to one-way monologues. If those Powers did not wish to take into account what the countries of the third world had to say, the latter would, for their part, pursue their efforts in the United Nations and elsewhere to attain the goal they had established for themselves.

101. In that connexion, he wished to emphasize to the Committee that it was very important that the summary records should faithfully report the statements made in meetings. He recognized that the Secretariat staff was flooded with work and that in such circumstances it could make mistakes. He knew that the staff did its best to assist delegations in their work; however, the frequency of incidents of the type he was referring to was such that he felt obliged to express his concern.

102. For example, not only had his statement of 16 November been censored, but his words had at times also been distorted. No reference had been made to the fact that his delegation had supported the statements made earlier by the representatives of Cuba and the United Republic of Tanzania, yet that was a very important point. Moreover, he had referred not only to the attitude of the United States representative regarding Puerto Rico, but also to the attitude of the representatives of the colonial Powers whenever matters which were troublesome to them arose. The great Powers must listen to what other countries had to say to them, all the more so since the latter were obliged to tolerate and hear things which offended and displeased them, such as apologies for colonialism and paternalistic statements worthy of the nineteenth century. Colonial peoples obviously did not expect the colonial Powers to grant them their freedom willingly. There were lessons which should prompt those Powers to be less arrogant and remind them that they would have to relinquish tomorrow what they refused to give up today. Peaceful solutions were possible and they should be pursued, certainly not opposed systematically. Algeria was prepared to recognize that, provided that such solutions were based on justice, realism and good sense.

103. Today it was being denied that Puerto Rico was a colony of the United States and that racial discrimination was practised there, but tomorrow that situation would be recognized there as elsewhere.

104. Algeria rejected all dictates, because it considered that States Members of the United Nations should assume their responsibilities on the basis of equality before the law of all States worthy of the name.

105. In the statement he had made on 16 November, he had mentioned the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers in September 1973, and had said not only that consideration of the question of Puerto Rico came within the competence of the Fourth Committee but also that one of the main issues dealt with by the Conference, in other words by 73 States which happened to represent a majority in the Fourth Committee, was that of decolonization. The Conference had devoted an important declaration to decolonization, the declaration on the struggle for national liberation, stressing the priority that should be given to the attainment of independence by countries still under the colonial yoke, since the non-aligned countries felt that their own freedom was meaningless if other countries in the world were not free. The Conference had reached the conclusion that the problem of effective exercise of independence by the countries of the third world and the problem of the liberation of colonized peoples were one and the same problem. He felt bound to make that statement on behalf of his own delegation and also on behalf of all Algeria's sister countries in the Fourth Committee.

106. With regard to the problem of Puerto Rico, he had said that Algeria objected to any insinuation that the inclusion of that question as an item in the General Assembly's agenda was out of place because all that was involved was a quarrel between the United States and Cuba. What was involved was not a quarrel but a definite colonial problem, concerning which Cuba had taken a stand and was resolutely defending the principles of the Charter, giving the developing countries every reason to feel proud.

107. He had then alluded to the statement by the United States representative at the 2062nd meeting concerning foreign interests in southern Africa and to the violation of sanctions by the United States, noting that much had been said on the subject but that the explanations given by the United States representative would be positively laughable if the problem were not so serious. For example, the United States representative had alleged that her country was not promoting investment in southern Africa and did not intend to offer any guarantees for such investment until a solution had been found. That led one to wonder who governed the United States, the Government or the monopolies, for the facts and figures were irrefutable and spoke for themselves.

108. At that point, he had digressed from the subject in order to express his disappointment at the attitude adopted towards southern Africa by a new Member, the Federal Republic of Germany. The developing countries expected the Federal Republic to take an equivocal stand on the burning issues of the colonial situation. The Federal

Republic of Germany, which on some occasions displayed sympathy towards and a willingness to co-operate with the countries of the third world, including Algeria, should have taken a clear stand on decolonization, but it had not referred to the question at all.

109. When he had spoken of the "oneness" of the anti-colonial struggle and the struggle for total independence and development, he had set no geographical boundaries, because all countries that were victims of colonization deserved the support of Algeria and of all anti-colonial forces, wherever those countries were situated. He had made it clear that there would be no true freedom for anybody until all colonial peoples of the world were independent. However, the idea of universality that he had expressed had not been reflected in the summary record, which stated that the freedom of the non-aligned countries was meaningless if other African countries were not free. His delegation was shocked by that restrictive interpretation which was at variance with the spirit of his statement. Algeria certainly lent its support to all just causes wherever they might be, and to all peoples fighting for their liberation whether they were in Africa, Latin America, the West Indies, Asia or the Pacific. He also wished to make it clear that his country was not anti-American, anti-French, anti-British, anti-Spanish, anti-Dutch, anti-Belgian or anti-Italian. It merely hated colonialism, neo-colonialism and imperialism, without associating the peoples of those countries with the systems of government that prevailed there.

110. The representative of the United States had asked who was being mocked; surely the answer was: the young countries. But those countries were not easily taken in. They knew how peoples liberated themselves. They were aware of the short-comings of the United Nations, of the privileges protected and the realities encountered there. They knew that many things were not as they should be, particularly in the Committee, because mankind had unfortunately lived through many dramatic events since the end of the Second World War, in Indo-China, the Dominican Republic, the Middle East, Chile and other places. A lesson was to be learned from those events, for southern Africa was in danger of becoming another, even more explosive, Middle East, and violence could also break out in the West Indies and elsewhere. The problem was there, and the means of solving it were known. A peaceful outcome would be preferable, otherwise he who sowed the wind would reap the storm. The United States would not escape that fate either. If it refused to acknowledge the colonial situation prevailing in Puerto Rico, it too would experience the violence of colonial uprisings, as had other Powers that had chosen not to abandon a policy based on force. Despite the inequalities that existed in the world at the present, force would no longer have the upper hand.

111. He expressed his delegation's support for all those who had done their duty in respect of the problems of concern to the Committee, and paid a tribute to the delegations that had had the courage to raise the question of Puerto Rico and defended the rights of a brother nation in the West Indies. He also paid a tribute to the Chairman for the conscientious, courageous and fair way in which he was performing his duties.



112. Mrs. JIMENEZ (Cuba) congratulated the representative of Algeria on his brilliant statement. He had provided a lucid, profound and revolutionary analysis of the situation, worthy of the Government he represented.

113. She recalled that at its 2062nd meeting the Committee had decided that the statement made by the Chairman of that meeting should be reproduced *in extenso*. However, that had not been done. Her delegation registered a formal protest in that connexion and asked that the Committee should be given an explanation.

114. Mr. EVUNA OWONO (Equatorial Guinea) endorsed the remarks made by the representatives of Algeria and Cuba. When the Committee decided that a statement should be reproduced *in extenso*, it had good reasons for

doing so. Failure to comply with its decision was tantamount to obstructing its work.

115. Mr. RIFAI (Secretary of the Committee) said that he was not in a position at that stage to explain why no action had been taken in pursuance of the Committee's decision to reproduce *in extenso* the statement made by the Chairman at the 2062nd meeting, but he hoped to be able to do so at the next meeting. With regard to the statement by the Algerian representative, he pointed out that the Secretariat services were overburdened with work. Any errors that occurred should be attributed to that fact, as they were certainly not intentional. At the meeting to be held the next day he would inform the Committee of the explanations given to him concerning both those points.

*The meeting rose at 2.15 p.m.*

## 2067th meeting

Tuesday, 27 November 1973, at 11.05 a.m.

*Chairman:* Mr. Leonardo DIAZ GONZALEZ (Venezuela).

A/C.4/SR.2067

### AGENDA ITEMS 23, 69, 74 AND 12, 75 AND 76\*

Agenda item 23 (Territories not covered under other agenda items) (*continued*) (A/9023 (parts II and IV), A/9023/Add.4, A/9023/Add.5, A/9023/Add.6, A/9121 and Corr.1, A/9124, A/9170, A/9176, A/9287, A/9330)

Agenda item 69 (*continued*) (A/9023/Add.7, A/9239 and Add.1, A/9330)

Agenda items 74 and 12 (*continued*) (A/9003 (chap. XXVI), A/9023 (part V), A/9051 and Add.1-5, A/9227, A/9330)

Agenda item 75 (*continued*) (A/9240)

Agenda item 76 (*continued*) (A/9241)

### GENERAL DEBATE (*continued*)

1. Mr. TEMPLETON (New Zealand), in connexion with item 23, said that for the first time it would not be the New Zealand representative who would inform the Fourth Committee about developments in Niue, but a delegation representing the elected Government of the Territory. The delegation was composed of the Leader of Government of Niue, Mr. Robert R. Rex, a member of the Executive Committee of Niue, Mr. M. Young Vivian, and the Clerk of the Executive Committee and the Niue Island Legislative Assembly, Mr. Terry Chapman. The members of the delegation had already had direct contact with the representatives of the United Nations who had gone to Niue the previous year as a Visiting Mission. The report of

that Visiting Mission had been before the Fourth Committee at the twenty-seventh session.<sup>1</sup> Two principal facts had emerged from the report: first, that the majority of the population of Niue was in favour of full self-government and, second, that there was a widespread desire for a continued close relationship with New Zealand. Those two objectives should be achieved during 1974. In the course of constitutional talks which had taken place in February and March 1973 between the Government of Niue and the New Zealand Government, the latter had expressed pleasure that the Niueans had clearly indicated their wishes regarding their future status and it had offered its full co-operation to Niue. In accordance with the time-table agreed upon during those talks, an act of self-determination would take place in July or August 1974 when the Niueans would decide whether or not to accept a new constitution. The New Zealand Government had already conveyed an invitation to the Secretary-General so that the United Nations could be present at that time to observe the conduct of the referendum.

2. Where the pace of the Territory's constitutional development was concerned, the New Zealand Government had always respected the wishes of the people of Niue and had confined itself to offering advice when they requested it. The Niueans had carefully considered the problem and had moved at their own pace towards self-determination. Both Niue and New Zealand had appreciated the understanding and support they had found in the United Nations. The following year, Niue, as a self-governing State, would take its place as a full member of the South Pacific Forum. The relationship of administering Power and Non-Self-Governing Territory would have ended, but the new State knew that New Zealand would not go back on the commitments

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

<sup>1</sup> *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), chap. XVI, annex I.*