

DECOLONIZATION



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FIFTEEN YEARS OF THE UNITED NATIONS DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

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DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (back cover of this issue)

FIFTEEN YEARS OF THE UNITED NATIONS DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

I. BACKGROUND OF THE DECLARATION

From its inception the United Nations has regarded the question of decolonization as an important aspect of its purposes and functions. The Charter itself in Articles 1(2) and 55 has proclaimed the principle of self-determination of peoples while a further three Chapters are devoted to the question of dependent territories,^{1/} to the establishment of the Trusteeship system^{2/} and to the creation of a supervisory body, the Trusteeship Council,^{3/} which as a principal organ of the United Nations was entrusted with responsibility with regard to those Territories placed under Trust.

In particular the adoption by the San Francisco Conference of Chapter XI of the Charter entitled "Declaration Regarding Non-Self-Governing Territories" was a major landmark in bringing the administration of peoples and territories under colonial rule within the purview of the international community. By the terms of Article 73^{4/} Member States recognize the principle that the interests of the inhabitants of those territories are paramount and accept "as a sacred trust" the "obligation to promote to the utmost" the well-being of the inhabitants. To that end they accept a series of commitments, specified in the Article, including the political, economic, social and educational advancement of the peoples of those territories, the development of self-government, and the regular transmission to the Secretary-General "for information purposes" of statistical and other information of a technical nature relating to economic, social and educational conditions in the territories for which they are responsible.

In spite of this provision the progress of Non-Self-Governing Territories towards independence in the period prior to the adoption of the Declaration on the granting of Independence to Colonial Countries and Peoples was a slow one,

^{1/} Chapter XI.

^{2/} Chapter XII.

^{3/} Chapter XIII.

^{4/} For the full text of the article see below Annex I.

and during its early years a great deal of the United Nations efforts were directed towards establishing its role as the principal guardian of colonial peoples. Only in the 1950's did the principle become established, though against the opposition of most administering Powers, that it was for the United Nations to decide ultimately whether a given Territory was or not self-governing within the meaning of Chapter XI of the Charter. Of the seventy-four territories listed as non-self-governing in General Assembly resolution 66(I), 5/ eight became independent during the 1946-1959 period, 6/ while transmission of information was discontinued with respect to twenty-one others 7/ for a variety of reasons mostly related to constitutional changes in the relationship between the administering Power and the Territory in question. In some cases like those of Puerto Rico, Greenland, the Netherlands Antilles and Surinam, Alaska and Hawaii the General Assembly adopted resolutions accepting the cessation of the transmission of information while in others, such as the French territories and Departments in the Caribbean, the South Pacific and the Indian Ocean, the decision was taken unilaterally by the administering Power without the subsequent approval of the General Assembly. On the other hand

5/ See Table I; the list was based on the replies sent by Member States to a letter from the Secretary-General requesting them to enumerate the Non-Self-Governing Territories under their jurisdiction on which they would transmit information under Article 73(e) of the Charter.

6/ They were: Cambodia and Laos (1953) (listed in 1946 as French Indochina), Ghana (1957), Guinea (1958) (listed as part of French West Africa), Indonesia (1949) (listed as Netherlands Indies), the Federation of Malaya (1957), Morocco (1956) and Tunisia (1956).

7/ They were in chronological order: the Panama Canal Zone (1947), Guadeloupe, French Guiana, Martinique and Reunion (1947), New Caledonia, French Settlements in Oceania and St. Pierre et Miquelon (1947), Malta (1947) (transmission of information was resumed in 1959), French Establishments in India (1948), Puerto Rico (1953), Greenland (1954), Netherlands Antilles and Surinam (1955), French West Africa, French Equatorial Africa, Madagascar, the Comoro Archipelago and French Somaliland (1957). The latter two were reinstated in the list of non-self-governing territories in 1965 and 1972 respectively (see page 13 below).

several countries which achieved independence during these years had never been included in the original 1946 list. 8/

No new additions were made to the 1946 list prior to 1960. When Spain and Portugal were admitted to membership of the United Nations in 1955 they both stated that they did not administer any territories covered by Article 73(e). 9/ The refusal of these two colonial Powers to accept their obligations under the Charter created a new problem. Though the Assembly had earlier approved a List of Factors to be used as a guide in determining when transmission of information in respect of a territory listed as non-self-governing should cease, 10/ it had never developed any guidelines for deciding when transmission of information should begin. However it was not until 1959 that the Assembly was able to establish a Special Committee 11/ to study the principles which should guide Members in determining whether or not an obligation existed to transmit information called for in Article 73(e).

8/ Namely Burma, Ceylon, India, Libya, Pakistan, the Philippines and the Sudan. In the case of the Philippines and India they were both founding members of the United Nations, though they gained independence only in 1946 and 1947 respectively. Pakistan became independent at the same time as India following the partition and was admitted to United Nations membership on 30 September 1947. Burma and Ceylon were regarded by the United Kingdom as self-governing in 1946, Libya was one of Italy's former colonies and its eventual destiny was not decided by the United Nations until 1949 (Resolution 289 (IV) Part A providing for the accession of Libya to independence in 1951) and the Sudan was technically an Anglo-Egyptian Condominium.

9/ Spain did eventually agree to transmit information. See statement by the representative of Spain in the Fourth Committee in 1960. Official Records of the General Assembly, Fifteenth Session (A/C.4/SR.1038 para. 27).

10/ Resolution 742 (VIII).

11/ Resolution 1467 (XIV). The Special Committee was composed of six Members, three administering Powers (Netherlands, United Kingdom and United States) and three Non-Administering (India, Mexico and Morocco) in keeping with the principle of parity between colonial and non-colonial Powers in the membership of bodies dealing with colonial questions. This practice disappeared after 1960.

On the basis of the report of the Special Committee the Assembly adopted resolution 1541 (XV).^{12/} In this resolution the Assembly established that an international legal obligation exists to transmit information under Article 73(e); that prima facie there is an obligation to transmit information in respect of a territory which is: a) geographically separate and b) distinct ethnically and/or culturally from the country administering it. Only after these factors have been established may additional elements of an administrative political, juridical, economic, historical or other nature, be brought into consideration to disprove or to support the presumption that an obligation to transmit information exists. A Non-Self-Governing Territory can be said to have reached a full measure of self-government by emergence as a sovereign independent State or by free association or integration with an independent State. Free association should be the result of a free and voluntary choice by the peoples of the Territory concerned "expressed through informed and democratic processes", and must allow the inhabitants of that Territory the freedom to modify at a later date the status of their Territory. Integration should be on the basis of complete equality between the peoples of the Non-Self-Governing Territory and those of the independent country with which it is integrated inter alia as regards representation and effective participation at all levels in the executive, legislative and judicial organs of government. Integration should come about only after the integrating Territory has attained an advanced stage of self-government with free political institutions and should be the result of the freely expressed wishes of the Territory's peoples "acting in full knowledge of the change of their status, their wishes having been expressed through informed and democratic processes, impartially conducted, based on universal adult suffrage", and held, when the United Nations deems it necessary, under its supervision.

Applying these principles the General Assembly determined at the same session that the overseas territories of Portugal were non-self-governing regarding which an obligation existed on the part of the administering Power to transmit information.^{13/}

^{12/} The full text of resolution 1541 (XV) is reproduced below in Annex II.

^{13/} Resolution 1542 (XV). The territories listed were a) Cape Verde; b) Guinea, called Portuguese Guinea; c) São Tomé and Príncipe; d) São João Batista de Ajuda; e) Angola, including the enclave of Cabinda; f) Mozambique; g) Goa and dependencies; h) Macao and i) Timor.

The years following San Francisco witnessed, the growing strength of the Afro-Asian solidarity movement, which found expression in the nineteen fifties at the Conference held in Bandung (1955).

The Bandung Conference in addition to reviewing the principal world problems, made in its Final Communiqué an important declaration on "Problems of Dependent Peoples". The Conference declared that "colonialism in all its manifestations is an evil which should speedily be brought to an end". It expressed its support "for the cause of freedom and independence for all such peoples"; it affirmed that "the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of human rights"; and it called upon "the Powers concerned to grant freedom and independence to such peoples".

In 1958, the first Conference of Independent African States met in Accra and declared that "a definite date should be set for the attainment of independence by each of the colonial Territories in accordance with the will of the people of the Territories and the provisions of the Charter of the United Nations".

Meeting in Addis Ababa in June 1960, the Second Conference of Independent African States reaffirmed the declaration of Bandung and the resolutions of Accra, and stated that "the present awakening of the people of Africa and the independence movements can no longer be contained". Further, "believing that the restoration of the natural rights and human dignity to the Africans in those parts of Africa at present under foreign subjugation, as well as the peaceful enjoyment of their hard-won freedom by the peoples of the independent African States, can only be achieved through the complete eradication of colonial rule from our continent" it urged "the colonial Powers to fix dates in conformity with the will of the people for the immediate attainment of independence by all non-independent countries".

II - ADOPTION OF THE DECLARATION

The admission of sixteen newly independent African states to membership of the United Nations at the fifteenth session of the General Assembly substantially altered the composition and balance of power in the Assembly and gave added impetus to the growing demand for a speedy and unconditional end to colonialism.

At that session the General Assembly's Fourth Committee had before it a report by the Secretary-General on the progress achieved in the Non-Self-Governing Territories since the founding of the United Nations in accordance with the objectives set forth in Chapter XI of the Charter. After examining the report the Committee noted that, though progress had been achieved in some of the Non-Self-Governing Territories, a substantial number of Territories still remained non-self-governing and that in the great majority of them the achievements fell short of the needs of their inhabitants.^{14/}

The 1960 General Assembly session, which saw the largest gathering of Heads of State and Government to mark the fifteenth anniversary of the founding of the United Nations, decided to include in its agenda an item entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples".

The Assembly discussed the item in plenary between 28 November and 14 December.^{15/} The discussion centred mainly on two draft declarations: one introduced by the USSR which would have proclaimed inter alia that "all colonial countries and Trust and Non-Self-Governing Territories must be granted forthwith complete independence", and that "all strongholds of colonialism in the form of possessions or leased areas in the territory of others must be eliminated" which was not put to the vote as a whole after its first three substantive paragraphs were rejected; the other sponsored by forty-three Afro-Asian states which was eventually adopted on 14 December 1960 and became resolution 1514 (XV).^{16/}

^{14/} This conclusion was eventually adopted by the General Assembly plenary meeting as resolution 1535 (XV).

^{15/} See Official Records of the General Assembly, Fifteenth session, Part I, Vol. II, Plenary Meetings 925-939 and 944-947.

^{16/} The resolution was adopted by a roll-call vote of 89 in favour, none against and 9 abstentions. Those abstaining were: Australia, Belgium, Dominican Republic, France, Portugal, Spain, South Africa, United Kingdom and United States.

The Declaration on the Granting of Independence to Colonial Countries and Peoples proclaims that: 1) The subjection of peoples to alien subjugation, domination and exploitation is a denial of fundamental human rights and is contrary to the Charter of the United Nations; 2) that "all peoples" have the right to self-determination by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development; 3) that "inadequacy of political, economic, social and educational preparedness" should never serve as a pretext for delaying independence; 4) that all armed action and repressive measures of all kinds directed against dependent peoples must cease; 5) that "immediate steps" should be taken, in trust and non-self-governing territories and all other territories that had not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom; 6) 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 and 7) that all states shall faithfully observe the provisions of the Charter of the United Nations, the Universal Declaration on Human Rights and "the present Declaration".

(The full text of the Declaration is reproduced on the back cover of this issue.)

III. ESTABLISHMENT 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

The Declaration on the Granting of Independence to Colonial Countries and Peoples did not specify the means by which the United Nations was to ensure its implementation.

At its sixteenth session the General Assembly adopted a resolution 17/ noting with regret that, with few exceptions, the provisions of the Declaration had not been carried out, and that armed action and repressive measures continued to be taken against dependent peoples. The General Assembly called on all States concerned to take action without further delay with a view to the faithful application and implementation of the Declaration.

At the same time the resolution proceeded to establish a Special Committee of 17 Members, to be nominated by the President of the General Assembly.18/ The purpose of the Committee was to examine the application of the Declaration and to make recommendations on the progress and extent of its application. The Committee, known as the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, began work in 1962.

At the following session the Assembly decided 19/ to expand the size and scope of the Special Committee on the Situation with regard to the Implementation of the Declaration. The Special Committee was asked inter alia to continue to seek the most suitable ways for the speedy and total application of the Declaration to all territories not yet independent, to propose specific measures for the complete application of the Declaration, to submit to the General Assembly a report with recommendations on all territories to which the Declaration applied which included Trust and Non-Self-Governing Territories and to apprise the Security Council of any development in those territories which might threaten international peace and security. The membership of the Committee was enlarged to twenty-four by the addition of seven new Members

17/ Resolution 1654 (XVI) adopted by a vote of 97 to none with 4 abstentions (France, South Africa, Spain and the United Kingdom). For the full text of the resolution see Annex III.

18/ The 17 original Members of the Special Committee were: Australia, Cambodia, Ethiopia, India, Italy, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, USSR, United Kingdom, United States, Uruguay, Venezuela and Yugoslavia.

19/ Resolution 1810 (XVII).

nominated by the President of the General Assembly.^{20/} Other bodies created in the course of the sixteenth session by the General Assembly to deal with questions pertaining to decolonization like the Special Committee on Territories under Portuguese administration ^{21/}and the Special Committee on South West Africa,^{22/} were dissolved in the course of the seventeenth session in view of the fact that the Committee of Twenty-Four was considering these questions as a matter of priority. At the eighteenth session, the General Assembly dissolved the Committee on Information from Non-Self-Governing Territories and asked that its tasks be taken over by the Committee of Twenty-Four.^{23/}

Thus, the Committee of Twenty-Four became, except for the Trusteeship Council, the only United Nations body under the General Assembly concerned exclusively with matters relating to dependent territories. It has dealt not only with problems in Non-Self-Governing Territories but also with conditions in Trust Territories.^{24/}

^{20/} Bulgaria, Chile, Denmark, Iran, Iraq, Ivory Coast and Sierra Leone. A/5446/Rev.1, Chapter I, G, pp.5-6, para.27; Annex I.

^{21/} Established by resolution 1699 (XVI).

^{22/} Established by resolution 1702 (XVI).

^{23/} Resolution 1970 (XVIII). The Committee on Information was set up in 1947 by resolution 146 (II) of the Assembly to examine the information transmitted under Article 73(e) of the Charter by those Members with responsibilities for Non-Self-Governing Territories.

^{24/} See paragraph 5 of the Declaration.

IV. GENERAL POLICIES AND PROCEDURES RELATING TO DECOLONIZATION
FOLLOWED BY UNITED NATIONS BODIES

A. Territories within the Special Committee's Scope of Work

In 1963, the Special Committee instructed its Working Group to compile a preliminary list of territories about which it would concern itself. The list eventually compiled included all the Trust Territories, all the Non-Self-Governing Territories on which administering Powers had been transmitting information under Article 73(e), South West Africa, and those Non-Self-Governing Territories about which no information had been transmitted but which the General Assembly had specifically deemed to be Non-Self-Governing Territories, namely the territories under Portuguese administration, 25/ and Southern Rhodesia. 26/ In 1965, the Special Committee expanded the list to include French Somaliland, 27/ and that same year, the General Assembly directed the Special Committee to concern itself with Oman. 28/ In 1972 the Comoro islands were included in the list. 29/ The Special Committee keeps the list under continuous review. 30/

25/ Included by decision of the General Assembly in resolution 1542 (XV).

26/ Included by resolution 1747 (XVII).

27/ Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 23 (A/6000/Rev.1, paras. 63-64).

28/ Resolution 2073 (XX).

29/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1).

30/ In 1966 and 1967 and again since 1972 the Special Committee has annually discussed the question of Puerto Rico without as yet taking a final decision on the procedure to be adopted for the implementation of resolution 1514 (XV) concerning that territory.

B. Consultations with the Administering Powers, Visiting Missions and Commissions of Enquiry

The Special Committee has sent sub-committees to discuss with representatives of administering Powers questions connected with the Special Committee's sphere of work as well as Visiting Missions to Non-Self-Governing Territories in order to obtain first hand information of conditions in those Territories. The first experiment took place in 1962 when the Special Committee sent a six-member sub-committee to London to discuss with the United Kingdom Government the question of Southern Rhodesia. Following the sub-committee's report the Special Committee concluded that Southern Rhodesia should be regarded as a non-self-governing territory within the Committee's scope and recommended that the General Assembly should take up the situation in Southern Rhodesia as a matter of urgency. The Sub-Committee on Southern Rhodesia visited London on two subsequent occasions in 1963 and 1964 although the United Kingdom declined permission for a visit to Southern Rhodesia.

In its report to the General Assembly, in 1962, the Special Committee indicated it hoped to send out visiting missions to territories under its consideration. The Committee did note "the limitations to this procedure and the need for securing the co-operation of the administering Powers concerned".^{31/} This procedure along with others was approved by the General Assembly.^{32/} The following year, the Special Committee referred to various difficulties of access as a result of reluctance by some Powers to allow United Nations visiting missions into territories under their administration. In this connexion the Special Committee stated that "by refusing access to a visiting group of the Special Committee to a territory coming within the scope of its work, the administering Power concerned is denying it one of the most effective means of carrying out" its work.^{33/} For its part the General Assembly at its eighteenth session requested the administering Powers to give their full co-operation to the Special Committee and to facilitate the task of the sub-committees and visiting groups instructed by the Special Committee to go to the territories under its mandate.^{34/}

^{31/} A/5238, Chapter I.D., para. 112(d).

^{32/} Resolution 1810 (XVII).

^{33/} A/5446/Rev.1, Chapter I, para. 55.

^{34/} Resolution 1956 (XVIII).

Over the years, the Special Committee has sought unremittingly to obtain the co-operation of the administering Powers, in the conviction that visiting missions were important for the work of the Committee as a means of obtaining first-hand information on colonial territories and as a means of ascertaining the wishes of the people.

Between 1963 and 1967 the Special Committee sought to send visiting groups to British Guiana and Aden. Concerning British Guiana, the United Kingdom Government refused to accept such a mission although the leaders of the two major political parties had expressed themselves in favour of such a visit. Consequently the Special Committee invited the Guianese leaders to New York.

In the case of Aden, the United Kingdom at first would only receive a mission in London. The Sub-Committee on Aden, therefore, visited neighbouring countries in May/June 1963 and heard more than fifty petitioners concerning Aden.

However on 1 August 1966, the United Kingdom indicated that it would co-operate with a mission to Aden to be sent by the Secretary-General "subject to agreement on its composition" and subject to two reservations, one concerning the treaty obligations of the United Kingdom with various states in South Arabia and the other the recognition that "Her Majesty's Government responsibilities for security cannot be limited or abandoned". ^{35/} Although several delegations considered these reservations as not being in accord with the resolutions of the General Assembly and the Special Committee, the General Assembly, having taken note of the statement by the representative of the United Kingdom that the United Nations mission would have free and unimpeded contact with the representatives of all shades of opinion in the Territory, decided to send such a mission. ^{36/} The Mission arrived in Aden on 2 April 1967 and left on 7 April 1967, stating that conditions did not permit it to discharge effectively its responsibilities inside the Territory at that time. In its report, the Mission stated that it had tried to act in consultation with, and enlist the co-operation of, the administering Power, but unfortunately, the failure of the administering Power to establish a climate of confidence in the Territory had added to the difficulties for the Mission. Moreover, the Mission asserted that the administering Power, at times, seemed to have chosen a course of action not in keeping with the efforts of the Mission. On the other hand, the representative of the United Kingdom considered that the Mission had been prevented from carrying out its task by the tide of events and by the failure of the two main political groupings in South Arabia to offer co-operation on the Mission until too late.

^{35/} A/6374.

^{36/} Resolution 2183 (XXI).

In August 1966 following an invitation by the government of Spain a Sub-Committee of the Committee of Twenty-Four visited Equatorial Guinea to ascertain conditions in the Territory with a view to speeding up the decolonization of the Territory.

Since 1965 the Special Committee and the General Assembly have repeatedly urged administering Powers to allow United Nations visiting missions to visit several territories in the Atlantic and Pacific Oceans and in the Caribbean, in order to enable the Special Committee to formulate concrete recommendations concerning those territories taking into account the problems arising from their small size and population, geographical location and limited natural resources. In 1966 the General Assembly unsuccessfully called on the United Kingdom Government to allow a sub-committee of the Special Committee to visit Fiji. 37/ Similar unsuccessful requests were made by the General Assembly annually from 1971 to 1973 in relation to the Seychelles 38/ and in 1973 in relation to Brunei 39/ and the Comoro Archipelago. 40/

37/ Resolution 2185 (XXI).

38/ Resolution 2866 (XXVI), 2985 (XXVII) and 3158 (XXVIII).

39/ Resolution 3159 (XXVIII).

40/ Resolution 3161 (XXVIII).

In 1969 the General Assembly requested the Trusteeship Council to include in its periodic visiting missions to the Trust Territory of New Guinea non-members of the Trusteeship Council in consultation with the Special Committee and the Administering Authority.^{41/} As a result the 1971 and 1974 missions of the Trusteeship Council to New Guinea^{42/} have included representatives of the Special Committee on Decolonization.

Since 1972 there has been a marked increase in the number of United Nations Visiting Missions indicating a reconsideration by some administering Powers, notably the United Kingdom, Australia and Portugal,^{43/} of their previous stand regarding the value of such visits. In 1972 a Special Committee Mission visited the island of Niue in the South Pacific at the invitation of the government of New Zealand, while in 1974 United Nations Missions visited the Cocos (Keeling) Islands in the Indian Ocean at the invitation of the Australian Government and the Gilbert and Ellice Islands in the Pacific at the British Government's invitation. In the course of 1975 the Special Committee has sent missions to the Cape Verde Islands, to Montserrat in the Caribbean and to the Spanish Sahara at the invitation of the Governments of Portugal, the United Kingdom and Spain respectively.

Special Mission to Guinea (Bissau)

A new chapter in the history of United Nations Visiting Missions was marked by the Special Mission to Guinea-Bissau. Portugal, as the then administering Power, had consistently disregarded repeated requests by the Special Committee and the General Assembly to receive United Nations Visiting Missions to the Territories under its administration. In the course of 1971 three liberation movements, the Movimento Popular de Libertação de Angola (MPLA), the Frente de Libertação de Moçambique (FRELIMO) and the Partido Africano de Independência da Guiné e Cabo Verde (PAIGC) extended invitations to the Special Committee to visit the liberated areas of Angola, Mozambique and Guinea (Bissau) respectively.

The Special Committee with the approval of the General Assembly, ^{44/}decided to appoint a special mission of three members to visit the liberated areas of Guinea (Bissau).

Prior to the Mission's departure the Portuguese Government protested what it described as the proposed violation of its sovereignty and formally

^{41/} Resolution 2590 (XXIV).

^{42/} Under the practice developed by the Trusteeship Council visiting missions to Trust Territories take place at three year intervals.

^{43/} After the fall of the Salazar/Caetano régime.

^{44/} Resolution 2795 (XXVI), para. 16.

declined all responsibility for the consequences. Notwithstanding this, the mission, travelling by jeep and on foot, visited the liberated area of Guinea (Bissau) from 2 to 8 April 1972, while Portuguese forces subjected the area to intensive aerial and artillery bombardments.

In its report 45/ to the General Assembly the Special Mission stated that it had been able to observe the marked progress achieved by the people of the territory through their national liberation movement, PAIGC, which had replaced the colonial administrative machinery by new administrative, political and judicial institutions representative of the people and noted that educational and health services had been created, often where none had previously existed, and called for intensified efforts by United Nations Members to force Portugal to comply with the decisions of the United Nations.

Following the return of the Mission, the Special Committee meeting in Conakry, Guinea, recognized the PAIGC as "the only and authentic representative of the people of Guinea (Bissau) and Cape Verde". 46/The Republic of Guinea-Bissau proclaimed its independence in September 1973.

Commission of Enquiry on the Reported Massacres in Mozambique

In 1973 following reports concerning massacres by Portuguese troops of hundreds of villagers in the Mucumbura area of Mozambique between May and November 1971, corroborated by testimony before the Special Committee, 47/ the General Assembly decided 48/ to establish a Commission of Enquiry on the Reported Massacres in Mozambique to carry out an investigation of the reported atrocities, to gather information from all relevant sources and to solicit the co-operation and assistance of Mozambique's national liberation movement. The Portuguese Government was requested to co-operate with the Commission and to grant it all necessary facilities to enable it to carry out its mandate.

45/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1) Chapter X.

46/ A/AC.109/400 adopted on 13 April 1972.

47/ Official Records of the General Assembly, Twenty-eight Session, Supplement No. 23 (A/9023/Rev.1) Chapter IX.

48/ Resolution 3114 (XXVIII).

The Commission proceeded to London, Madrid, Rome and Dar es Salaam where between 14 May and 16 June 1974 it heard the testimony of experts and witnesses and concluded 49/ that in the course of Portugal's colonial war massacres of hundreds of innocent Villagers had taken place in several areas of Mozambique both in 1972 and in previous years and that the responsibility for those atrocities belonged in the last resort to the Portuguese régime overthrown in April 1974. 50/

Mozambique and all the remaining territories under Portuguese administration in Africa became independent in the course of 1975.

C. Observation and Supervision of Elections and Plebiscites

As early as 1954 the General Assembly approved a resolution in which it recommended that in order to evaluate as fully as possible the opinion of the population of a non-self-governing territory regarding a proposed change in the constitutional status of a territory "a mission, if the General Assembly deems it desirable should, in agreement with the Administering Member, visit the Non-Self-Governing Territory before or during the time when the population is called upon to decide on its future status or change of status". 51/ However no United Nations mission visited a Non-Self-Governing Territory prior to the adoption of the Declaration on decolonization in December 1960. The United Nations did, though, supervise plebiscites and elections in Trust Territories as was the case in Togoland under British Administration in 1956, Togoland under French Administration in 1958 and Northern Cameroons under British Administration in 1959. Furthermore in 1959 and 1960 the General Assembly approved preparations for the holding of plebiscites under United Nations supervision in the Northern and Southern Cameroons under British administration in 1961 52/ and in Western Samoa in 1962 and for the supervision of elections in Ruanda-Urundi in 1961.

The Special Committee since its creation has emphasized the desirability of a United Nations presence in the final stages of the self-determination process in non-self-governing territories particularly in those situations where the people are being asked to decide on a constitutional formula falling short of independence or where concern has been voiced regarding the full respect for democratic processes during the electoral consultation.

49/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 21 (A/9621).

50/ In a decision adopted at its Twenty-ninth Session the Assembly took note of the Commission's report.

51/ Resolution 850 (IX).

52/ Following the results of the 1959 plebiscite in the Northern Cameroons which resulted in a majority in favour of deciding the future of the area at a later date; a second plebiscite was held in February 1961.

Thus in the case of Aden the General Assembly repeatedly requested the Secretary-General, in consultation with the Special Committee and with the Administering Power, to arrange for an effective United Nations presence before and during the elections to be held in the Territory. 53/

A series of circumstances prevented such elections from being held.

At its nineteenth session the General Assembly on the basis of the recommendations of the Special Committee and in agreement with the Government of New Zealand authorized the supervision by the United Nations of the elections to be held in the Cook Islands in April 1965 for a new Legislative Assembly which was to decide on a new constitution for the Territory. 54/ On the basis of the report of the United Nations Representative for the Supervision of the Elections the General Assembly at its twentieth session agreed that with the entry into force of the new Constitution the Cook Islands had attained full internal self-government. 55/

Following the announcement by the government of France that a referendum would be held in French Somaliland in 1967 to enable the people to decide their political future, the twenty-first session of the General Assembly requested France to make appropriate arrangements, in consultation with the Secretary-General "for a United Nations presence before, and supervision during, the holding of a referendum". 56/ France refused to accept such a presence.

In 1967 the General Assembly recommended that before independence a general election be held in Equatorial Guinea and requested the Secretary-General, in consultation with the Special Committee and the administering Power, to "ensure the presence of the United Nations in the Territory for the supervision of the preparation for, and the holding of, the election..." and to participate in all other measures leading towards the independence of the Territory. 57/ Spain accepted the request and a United Nations team participated in the organization and holding of the elections in Equatorial Guinea in 1968.

53/ Resolution 1949 (XVIII), 2023 (XX), 2183 (XXI).

54/ Resolution 2005 (XIX).

55/ Resolution 2064 (XX).

56/ Resolution 2228 (XXI).

57/ Resolution 2355 (XXII).

In 1971 the General Assembly requested the Government of the United Kingdom to make the necessary arrangements, in consultation with a United Nations Special Mission, for the holding of a referendum in the Seychelles on the future status of the territory. 58/ This request was repeated in 1972 and 1973. 59/ The United Kingdom did not agree to the dispatch of such mission to the Seychelles.

In 1972 a United Nations Mission composed of members of the Trusteeship Council and of the Special Committee on Decolonization visited Papua New Guinea for the purpose of observing the elections to the Papua New Guinea House of Assembly. The elections were the last held in Papua New Guinea prior to the territory's accession to independence in 1975.

Two years later the Special Committee on Decolonization, in consultation with New Zealand as the administering Power and the Government of Niue, appointed a Special Mission for the purpose of observing the proceedings relating to the act of self-determination by the people of Niue. On the basis of the Mission's report the General Assembly decided that the people of the Territory had exercised their right to self-determination when voting in favour of a new Constitution that made the island self-governing in free association with New Zealand. 60/

In the same year the United Nations Visiting Mission to the Gilbert and Ellice Islands observed part of the referendum in the Ellice Islands whereby the people of the Ellice Islands decided to become a separate colony under the name of Tuvalu.

On the other hand in the case of Gibraltar, the United Nations opposed 61/ the holding of a referendum by the United Kingdom in that Territory in 1967 as being in contravention to previous resolutions of the General Assembly requesting the United Kingdom and Spain to arrive at a negotiated solution to terminate the colonial situation in Gibraltar. An invitation by the United Kingdom to the Secretary-General to send an observer to be present to the referendum to be held in Gibraltar by which the inhabitants of the Territory would be asked to choose between union with Spain or retention of Gibraltar's links with the United Kingdom was not taken up following the adoption by the Special Committee of a resolution 62/ deploring the holding of the referendum and recalling the provisions of paragraph 6 of resolution 1514 (XV). 63/

58/ Resolution 2866 (XXVI).

59/ Resolution 2985 (XXVII) and 3158 (XXVIII).

60/ Resolution 3285 (XXIX).

61/ Resolution 2353 (XXII).

62/ Official Records of the General Assembly, Twenty-second Session, Annexes, Part II, agenda item 23, (A/6700/Rev.1, Chapter X, para. 215.

63/ The full text of the Declaration is reproduced on the back cover of this issue.

There have been other instances since 1961 of United Nations involvement in acts of self-determination but without involvement on the part of the Special Committee. Reference has already been made to the United Nations supervision of plebiscites and elections in Trust Territories: Northern and Southern Cameroons in February 1961, Western Samoa in May 1961, and Ruanda-Urundi in September 1961 (including the referendum on the question of the Mwami of Rwanda). Since then the Trusteeship Council has observed three successive general elections in New Guinea 64/ as well as in the plebiscite in the Northern Marianas - part of the United States Trust Territory of the Pacific Islands - in June 1975. 65/

In 1963 the Secretary-General was requested by the Governments of the Federation of Malaya, Indonesia and the Philippines to ascertain the wishes of the people of Sabah (North Borneo) and Sarawak, two British administered territories, prior to their integration with the Federation of Malaya into the Federation of Malaysia.

The United Nations Malaysia Mission appointed by the Secretary-General reported after visiting the two Territories that their participation in the proposed Federation of Malaysia could be regarded as the result of the freely expressed wishes of the people of the territories. 66/

In 1969 as provided by the 1962 Agreement between the Netherlands and Indonesia concerning West New Guinea (West Irian) and with the authorization of the General Assembly 67/ the Secretary-General appointed a representative to "advise, assist and participate in the arrangements for the act of free choice" in West Irian. At its twenty-fourth session the General Assembly took note of the report of the Secretary-General on the act of free choice 68/ which had resulted in West Irian remaining as part of Indonesia.

64/ The last one in 1972 with the participation of Members of the Special Committee. See above page

65/ In the Northern Marianas plebiscite the inhabitants were asked to choose between becoming a Commonwealth in political union with the United States and remaining as a district of the Trust Territory with the right to participate with the other districts in the determination of an alternative future political status.

66/ Repertory of Practice of United Nations Organs, Supplement No.3, Vol. III (period 1959 - 1966).

67/ Resolution 1752 (XVII).

68/ Resolution 2504 (XXIV).

D. Receipt of Petitions and Hearing of Petitioners

The receipt of petitions and the hearing of petitioners have constituted another means by which the Special Committee has sought to carry out its tasks.

Under Article 87 (b) of the Charter the Trusteeship Council had been expressly authorized to accept and examine petitions. The Charter, however, was silent concerning the powers of the General Assembly to accept petitions or grant hearings to petitioners and the Rules of Procedure of the Assembly contained no provisions in this regard. In 1950 the Assembly approved a resolution, in connexion with the functions of the Trusteeship Council, stating that the right of petition was a fundamental human right, 69/ and in 1951 the Fourth Committee of the Assembly for the first time agreed to hear petitions from inhabitants of Trust Territories. 70/ It was only in 1961, though, that the Fourth Committee of the Assembly decided to hear petitioners from Non-Self-Governing Territories when the Fourth Committee adopted a proposal to grant hearings to two inhabitants from Guinea, called Portuguese Guinea. 71/ Since then the granting of hearings to petitioners from or concerning Non-Self-Governing Territories has become an established practice of the Fourth Committee. 72/

At its inception in 1962 the Special Committee on Decolonization agreed that as an additional and supplementary means of acquiring information it might hear petitioners and receive written petitions 73/ and a Sub-Committee on Petitions was established for this purpose. The experience of the past thirteen years has shown the important contribution that the receipt of petitions and the hearing of petitioners has made to the work of the Special Committee. By the end of 1975 a total of 1,262 petitions had been received.

69/ Resolution 435 (V).

70/ Official Records of the General Assembly, Sixth Session, Fourth Committee, 202nd. meeting. The petitioners were from Togoland under British administration.

71/ Official Records of the General Assembly, Sixteenth Session, Fourth Committee, 1208th meeting. The vote on the proposal was 78 to 5 with one abstention.

72/ At the seventeenth session of the General Assembly in connexion with the hearing of Captain Henrique Galvão concerning Territories under Portuguese administration, the Fourth Committee requested the Secretary-General to take the necessary action with the Government of the United States to ensure the safety, during their transit to and from Headquarters as well as during their stay in New York, of petitioners coming to the United States to testify before committees of the United Nations.

73/ The representatives of two administering Powers, the United Kingdom and the United States expressed reservations at the time regarding the legality of such a procedure.

E. Meetings Away from Headquarters

General Assembly resolution 1654 (XVI) which established the Special Committee specifically authorized it to hold meetings elsewhere than at United Nations headquarters. ^{74/} The Special Committee has in fact held such meetings in various parts of Africa in 1962, 1965, 1966, 1967, 1969 and 1972, and in Lisbon in 1975. Furthermore in 1970 and 1971 the Special Committee sent smaller Ad Hoc groups to Africa to meet with leaders of national liberation movements. By meeting away from headquarters and particularly in Africa, the Special Committee has sought to increase international awareness of the Committee's work, show its support for the liberation struggle in Southern Africa and elsewhere, hear the views of the liberation movements and strengthen the ties between the United Nations and the Organization of African Unity.

In 1972 the Security Council for the first time met away from headquarters. At the request of the eighth (1971) Assembly of Heads of States and Government of the OAU it held a series of meetings in Addis Ababa from 28 January to 4 February devoted solely to questions relating to the persistence of colonialism and apartheid in Southern Africa.

^{74/} Paragraph 6; see below Annex III.

V. DECISIONS AND RECOMMENDATIONS OF THE GENERAL ASSEMBLY AND OF
THE SPECIAL COMMITTEE OF A GENERAL NATURE CONCERNING
DECOLONIZATION

A. Recommendations for the introduction of constitutional
and political reforms

Most resolutions of the General Assembly and of the Special Committee concerning the implementation of the Declaration to individual territories contain recommendations of a constitutional or political nature. Though some of them reflect the special characteristics or circumstances of the Territories in question, others are common to most of them. Generally speaking the recommendations have emphasized:

- 1) the inalienable right of the people of the Non-Self-Governing Territories to self-determination and independence;
- 2) the need to speed-up the decolonization process including the fixing of a date for independence;
- 3) the respect for the unity and territorial integrity of the non-self-governing territory concerned and the repudiation of any acts that might threaten such unity and integrity; 75/

75/ See, for instance, General Assembly resolutions 1724 (XVI) concerning Algeria, 1811 (XVII) concerning Zanzibar and 1812 (XVII) concerning Kenya; resolutions 1817 (XVII), 1954 (XVIII) and 2063 (XX) concerning Basutoland, Bechuanaland and Swaziland; resolutions 2066 (XX), 2232 (XXI) and 2357 (XXII) concerning Mauritius; resolution 2183 (XXI) concerning Aden; resolution 2230 (XXI) relating to Equatorial Guinea; resolutions 3161 (XXVIII) and 3291 (XXIX) regarding the Comoro Archipelago; resolutions 2866 (XXVI), 2985 (XXVII), 3158 (XXVIII) and 3287 (XXIX) on the Seychelles; resolution 3294 (XXIX) regarding the Territories under Portuguese administration as well as the successive resolutions on Namibia including those adopted at the twenty-ninth and thirtieth sessions of the General Assembly (Resolutions 3295 (XXIX) and 3399 (XXX)). The Trusteeship Council has adopted similar resolutions in the case of Trust Territories, most recently relating to Papua New Guinea and the Trust Territory of the Pacific Islands.