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DECOLONIZATION

TWENTY-FIVE YEARS OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

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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 of the United Nations, in Articles 1, paragraph 2, and 55, proclaimed the principle of self-determination of peoples, while a further three Chapters are devoted to the question of dependent Territories, to the establishment of the International Trusteeship System and to the creation of a supervisory body, the Trusteeship Council, which as a principal organ of the United Nations was entrusted with responsibility with regard to those Territories placed under the International Trusteeship System. ^{1/}

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 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, and during the early years of the United Nations many of its efforts were directed towards establishing its role as the principal guardian of colonial peoples. Only in the 1950s 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 was not self-governing within the meaning of Chapter XI of the Charter. Of the 72 Territories listed as non-self-governing in General Assembly resolution 66 (I), ^{2/} eight became independent during the 1946-1959 period, ^{3/} while transmission of information was discontinued with respect to 21 others ^{4/} 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 such as 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, several countries which achieved independence during these years had never been included in the original 1946 list. ^{5/}

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. ^{6/} The refusal of these two former colonial Powers to accept their obligations under the Charter created a new problem. Although the General 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, ^{7/} 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 ^{8/} to study the principles which should guide Members in determining whether or not an obligation existed to transmit the information called for in Article 73 e.

On the basis of the report of the Special Committee, the General Assembly adopted resolution 1541 (XV) (see annex II). 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 with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and 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. ^{2/}

The years following the San Francisco Conference witnessed the growing strength of the Afro-Asian solidarity movement, which found expression at the Asian-African Conference held in Bandung in 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", affirmed that "the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights..."; declared its support for "the cause of freedom and independence for all such peoples"; and called upon "the Powers concerned to grant freedom and independence to such peoples".

In 1958, the first Conference of Independent African States was held at Accra and it 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 the hard-won freedom by the peoples of the independent African States, could be achieved only 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 16 newly independent African States to membership of the United Nations at the fifteenth session of the General Assembly in 1960 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 Fourth Committee of the General Assembly had before it a report of the Secretary-General ^{10/} 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, although 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. ^{11/}

The General Assembly, at its session of 1960, which saw one of the largest gatherings 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 General Assembly discussed the item in plenary meetings between 28 November and 14 December. ^{12/} The discussion centred mainly on two draft declarations: one introduced by the Union of Soviet Socialist Republics 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; and the other, sponsored by 43 Afro-Asian States, which was eventually adopted on 14 December 1960 as resolution 1514 (XV). ^{13/}

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 constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace

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

and co-operation; (2) "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) "inadequacy of political, economic, social or educational preparedness" should never serve as a pretext for delaying independence; (4) all armed action or repressive measures of all kinds directed against dependent peoples shall cease; (5) "immediate steps" should be taken, in Trust and Non-Self-Governing Territories or 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) 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; and (7) all States shall observe faithfully and strictly the provisions of the Charter, the Universal Declaration of Human Rights and "the present Declaration".

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 resolution 1654 (XVI) (see annex III), in which it noted with regret that, with a 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 Assembly called upon 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. ^{14/} The purpose of the Committee was to examine the application of the Declaration and to make recommendations on the progress and extent of its implementation. 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 General Assembly decided to expand the size and scope 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 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 developments in those Territories which might threaten international peace and security. The membership of the Committee was enlarged to 24 by the addition of seven new members nominated by the President of the General Assembly. ^{15/} From 1975 to 1979, the membership of the Special Committee remained at 24. In December 1979, the Assembly decided to enlarge the membership to 25, and on the nomination made by the Assembly President, added Venezuela to the membership. In January 1985, Australia withdrew from the membership. For detailed information on the membership of the Committee during the past 25 years, see table 9.

Other organs which are concerned with matters relating to dependent Territories are the Trusteeship Council and the United Nations Council for Namibia.

The Trusteeship Council, one of the main organs of the United Nations, was established under the Charter and assigned the task of supervising the administration of Territories placed under the International Trusteeship System. The major goals of the System are to promote the advancement of the inhabitants of Trust Territories and their progressive development towards self-government.

Of the original 11 Trust Territories under the System only one remains, the Trust Territory of the Pacific Islands, administered by the United States, and which was designated a strategic area, under the authority of the Security Council. The Special Committee also discusses the question of the Trust Territory of the Pacific Islands during its sessions pursuant to the Declaration. All the other Trust Territories have attained independence, either as separate States or by joining neighbouring independent countries (see tables 5 and 6).

In 1967, the General Assembly established, under its resolution 2248 (S-V) of 19 May 1967, an 11-member United Nations Council for South West Africa to administer South West Africa until independence and to promulgate such laws, devices and regulations as necessary for the administration of the Territory until a legislative assembly was

established on the basis of universal adult suffrage. ^{16/} The Assembly also decided that the Council should entrust such executive and administrative tasks to a United Nations Commissioner for South West Africa who would be responsible to the Council. Subsequently, in June 1968, the Assembly, in its resolution 2372 (XXII), proclaimed that South West Africa would, from then on, be known as Namibia and that both the United Nations Council for South West Africa and the Commissioner would be renamed accordingly.

Over the years, the United Nations Council for Namibia, which has been enlarged to comprise 31 member States, ^{17/} has carried out an increasing variety of functions aimed at defending the rights and interests of the Namibian people until they are able to exercise their right of self-determination, freedom and national independence. In fulfilling its mandate, the Council has formulated its programme of work in close co-operation with the South West Africa People's Organization (SWAPO), which has been recognized by the General Assembly as "the sole and authentic representative of the Namibian people" by its resolution 31/146 of 20 December 1976.

IV. 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 in relation 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 peoples of the Non-Self-Governing Territories to self-determination and independence;
- (2) The need to speed up the decolonization process;
- (3) The principle that it is ultimately for the peoples of the Territories themselves to determine their own future political status;

(4) 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;

(5) The obligation of the administering Powers to create such conditions in the Territories concerned as would enable their peoples to exercise freely their inalienable right to self-determination and independence and the importance of fostering an awareness among those peoples of the possibilities open to them in the exercise of that right;

(6) The convening of a constitutional conference; the cessation of repressive acts by the colonial Power; the revocation of all racially discriminatory laws and the eradication of discriminatory practices; the removal of all restrictions on political activities and the guarantee of full democratic freedoms; the granting of an amnesty and the return of political exiles and refugees; and the holding of free elections on the basis of universal adult suffrage, in some cases with the participation of the United Nations.

B. Referral to the Security Council by the General Assembly and the Special Committee of situations in Non-Self-Governing Territories

Under Article 11 of the Charter, the General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security. The Special Committee has been requested by the Assembly to apprise the Security Council of situations which might likewise pose a threat to international peace and security.

Under the terms of the above provisions, both the General Assembly and the Special Committee drew the attention of the Security Council on a number of occasions to the serious situation in southern Africa arising from South Africa's persistent illegal occupation of Namibia, its defiance of United Nations resolutions, its brutal repression of the Namibian people, its aggressive activities and acts of destabilization against neighbouring independent African States and its policies of apartheid, as well as its acquisition of nuclear-weapon capability, constituting a threat to international peace and security.

Taking into account the related recommendations of the General Assembly and the Special Committee and in the light of the critical situation obtaining in and around Namibia, the Security Council for its part has adopted a series of decisions, resolutions and statements in this regard.

C. Recognition of the legitimacy of the struggle of peoples under colonial rule and of the role of national liberation movements

At its twentieth session in 1965, the General Assembly for the first time recognized "the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence" and at the same time invited "all States to provide material and moral assistance to the national liberation movements in colonial Territories". 18/

The following year the General Assembly went a step further and stated that the preservation of colonialism and its manifestations, including racism and apartheid, as well as attempts by some colonial Powers to suppress national liberation movements by repressive activities and the use of armed force against peoples, were incompatible with the Charter and the Declaration on decolonization. 19/ It furthermore declared that the continuation of colonial rule threatened international peace and security and that the practice of apartheid, as well as all forms of racial discrimination, constituted a crime against humanity; and urged "all States to provide material and moral assistance to the national liberation movements...". 19/

In 1967, the General Assembly declared 20/ that the persistence of colonialism, the suppression of liberation movements and the use of armed force against colonial peoples was incompatible not only with the Charter and the Declaration on decolonization but also with the Universal Declaration of Human Rights.

Successive United Nations resolutions have reiterated and strengthened these affirmations.

In 1980, on the occasion of the twentieth anniversary of the Declaration, the General Assembly adopted a Plan of Action for the Full Implementation of the Declaration 21/ similar to the one it had adopted in 1970, in which inter alia it declared that the continuation of colonialism in all its manifestations, including racism, apartheid and the exploitation of economic and human resources, was incompatible with the Charter, the Declaration and the principles of international law; reaffirmed that the policy of apartheid of the South African régime and its illegal occupation of Namibia violated the principles enshrined in the Charter and constituted a threat to international peace and security; reaffirmed the inherent right of peoples under colonialism in all its forms and manifestations to struggle by all means at their disposal against those colonial and racist régimes which suppressed their aspirations for freedom, self-determination and independence; and categorically rejected any agreement, arrangement or

unilateral action by colonial and racist Powers which ignored, violated, denied or conflicted with the inalienable right of peoples under colonial domination to self-determination and independence. The Assembly further stated that Member States should render all necessary moral and material assistance to the peoples under colonial domination in their struggle to exercise their right to self-determination and independence; and that they should intensify their efforts to promote the implementation of the resolutions of the General Assembly and of the Security Council relating to Territories and countries under colonial domination.

D. Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa

Another area of concern to the Special Committee has been that of the activities of foreign economic and other interests which are impeding the implementation of the Declaration.

The Special Committee considers this item yearly and, on its recommendations, the General Assembly has repeatedly declared that any administering or occupying Power that deprives the colonial peoples of their legitimate rights over the natural resources of their Territories, as well as their right to dispose of those resources in their best interests, violates the solemn obligations it has assumed under the Charter; reaffirmed that, by their exploitation of natural resources, the continued accumulation of huge profits for the enrichment of foreign settlers and the perpetuation of colonial domination and racial discrimination in the Territories, the activities of foreign economic, financial and other interests operating at present in the colonial Territories, particularly in southern Africa, constitute a major obstacle to political independence and racial equality, as well as to the enjoyment of the natural resources of those Territories by the indigenous inhabitants; reiterated that the exploitation and plundering of the marine and other natural resources of Namibia by South African and other foreign economic interests are illegal; condemned the plunder of Namibian uranium; and called once again upon all Governments that had not yet done so to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in colonial Territories, in order to put an end to such enterprises and to prevent new investments that run counter to the interests of the inhabitants of those Territories. 22/

The General Assembly has requested the Special Committee to continue to monitor closely the situation in the remaining colonial Territories so as to ensure that all economic activities in those Territories are aimed at strengthening and diversifying their economies in the interests of the indigenous peoples and their speedy accession to independence and has, in that connection, requested the administering Powers concerned to ensure that the peoples of the Territories under their administration are not exploited for political, military and other purposes detrimental to their interests. 22/

E. Military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

The Special Committee is also concerned with military activities and arrangements in colonial Territories which might be impeding the implementation of the Declaration.

On the recommendation of the Special Committee, the General Assembly has consistently repeated its conviction that the presence of military bases and installations in colonial and Non-Self-Governing Territories could constitute a major obstacle to the implementation of the Declaration; and that it is the responsibility of the administering Powers concerned to ensure that the existence of such bases and installations does not hinder the populations of the Territories from exercising their right of self-determination and independence in accordance with the Charter; and has condemned all military activities and arrangements in colonial Territories which deny the peoples concerned their right to self-determination and independence.

The General Assembly has noted that, in southern Africa in general and in and around Namibia in particular, a critical situation continues to prevail as a result of South Africa's continued illegal occupation of the Territory, and demanded the immediate cessation of the war of oppression waged by the racist minority régime against the people of Namibia and their national liberation movement, as well as the urgent dismantling of all military bases in the Territory. 23/

F. Requests to specialized agencies and other international organizations

The Special Committee has also worked with various of the specialized agencies on the implementation of the Declaration. Since 1967 the General Assembly has discussed as a separate item 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", while the Special Committee has since 1973 assigned one of its Sub-Committees to monitor the related activities of the organizations concerned.

The General Assembly, the Economic and Social Council and the Special Committee have since requested the organizations concerned to render, in consultation with the Organization of African Unity, all possible moral and material assistance to the peoples concerned and their national liberation movements; to increase the scope of their assistance to refugees from the colonial Territories, including assistance to the Governments concerned in the preparation and execution of programmes of assistance and the introduction of the greatest possible measure of flexibility in the relevant procedures; to discontinue all support to and withhold any financial, economic, technical and other assistance from South Africa; and to ensure the representation of the colonial peoples by their national liberation movements. The Assembly and the Special Committee have expressed regret that the World Bank and the International Monetary Fund continue to maintain links with South Africa, and they have called for the severance of all links with that régime.

The General Assembly has also requested the Economic and Social Council to continue to consider, in consultation with the Special Committee, appropriate measures for the co-ordination of the policies and activities of the organizations of the United Nations system in this regard. During the course of their latest consultations held in June 1985, the presiding officers of the two bodies noted that, in response to the relevant resolutions of the United Nations bodies concerned, a number of international agencies and organizations had continued to extend assistance in varying degrees to the people of Namibia and other colonial Territories. However, they considered it imperative that the specialized agencies and all other organizations concerned take every possible step to intensify further their efforts with a view to providing all possible assistance to the oppressed peoples of Namibia and South Africa. (For a comprehensive review of the activities of the organizations concerned, see Decolonization Bulletin No. 25 of December 1985.)

G. Problems of small Territories

The principles set out in the Declaration apply no less to small Territories in the Caribbean, Atlantic or Pacific oceans. The Special Committee and the General Assembly have recognized that these Territories, because of their size, geographical location, population and limited natural resources, present special problems but that none the less the Declaration is entirely applicable to them.

In 1965 and subsequent years the General Assembly requested the Special Committee to pay particular attention to the small Territories. In its Plan of Action for the Full Implementation of the Declaration 21/ the Assembly declared that Member States should do their utmost to promote, in the United Nations and the specialized agencies and other organizations of the United Nations system, effective measures for the full implementation of the Declaration in all Trust Territories, Non-Self-Governing Territories and other colonial Territories, irrespective of their size.

As a result, the Special Committee, through the work of its Sub-Committee, has devoted an increasing amount of time to the problems of small islands and Territories. The Special Committee has insisted on the need to speed up the implementation of General Assembly resolution 1514 (XV) by enabling the peoples of these Territories freely to determine for themselves their future political status and form of government. It has stressed the importance of increased development assistance and of these Territories and the capacity of the inhabitants to exercise their inalienable right to self-determination. The Special Committee has, when the situation so demanded, requested the administering Power concerned to carry out specific reforms in the constitutional, political, electoral, educational and other fields; strongly opposed any attempt aimed at the partial or total disruption of the national unity or territorial integrity of these Territories; and, on some occasions, welcomed steps towards the economic and eventual political union of two or more small Territories.

Since the adoption of the Declaration, 25 Territories, each with a population of less than 1 million, on the Special Committee's list of Non-Self-Governing Territories have become independent and joined the United Nations. 24/ One small Trust Territory also became independent and joined the United Nations. 25/ Two have become fully self-governing. 26/ In addition, one small Trust Territory and two Non-Self-Governing Territories have become independent without joining the United Nations. 27/

H. Dissemination of information on decolonization

Since its establishment, the Special Committee has recognized the importance of publicity as an instrument for furthering the aims and purposes of the Declaration, and the continuing pressing need to take all possible steps to acquaint world public opinion with all aspects of the problem of decolonization with a view to assisting effectively the peoples of the colonial Territories to achieve self-determination, freedom and independence.

In 1973, the Special Committee decided that its Sub-Committee on Petitions should be renamed Sub-Committee on Petitions and Information* and should, in addition to its tasks relating to petitions and other communications, be charged with following the implementation of resolutions adopted by the General Assembly and by the Special Committee on the dissemination of information on decolonization. The Sub-Committee would also assist the Secretary-General in the discharge of the specific mandate entrusted to him in that connection. The Committee further specified that, in discharging its task, the Sub-Committee should, as far as necessary, maintain contact with the national liberation movements as well as with non-governmental organizations.

In discharging its mandate, the Sub-Committee holds periodic consultations with the Department of Public Information, with specialized agencies, and with representatives of a number of non-governmental organizations, the Organization of African Unity (OAU) and national liberation movements, and recommends to the Special Committee a series of proposals aimed at the widespread dissemination of information on decolonization, as well as publicity for the work of the United Nations in that field. These proposals relate to the organization of seminars, conferences and round tables at Headquarters and abroad, and special commemorative activities to highlight the plight of the peoples still struggling for self-determination, freedom and independence; they also include requests to the Secretariat to prepare studies and monographs on specific subjects in order to underline the importance of the United Nations in effecting the widest possible dissemination of true, accurate and topical information on decolonization as an instrument for furthering the purposes and principles of the Charter and of the Declaration, and for mobilizing public opinion.

The Special Committee considers the question of dissemination of information yearly and, on its recommendation, the General Assembly has repeatedly reaffirmed the importance of effecting the widest possible dissemination of information on the evils and dangers of colonialism; has requested the Secretary-General to continue to take concrete measures through all the media at his disposal, including

* In 1976 the Sub-Committee was further renamed Sub-Committee on Petitions, Information and Assistance.

publications, radio and television, to give widespread and continuous publicity to the work of the United Nations in the field of decolonization; and has requested all States, in particular the administering Powers, the specialized agencies and other organizations of the United Nations system and non-governmental organizations having a special interest in decolonization to undertake or intensify, in co-operation with the Secretary-General and within their respective spheres of competence, the large-scale dissemination of information on decolonization. 28/

The Special Committee's recent activities on the dissemination of information include the Seminar with Non-Governmental Organizations Based in Europe, held at Vienna in February 1984 (A/AC.109/L.1499 and Add.1); a regional seminar at Port Moresby, in March 1985 (A/AC.109/821); and a journalists' encounter on decolonization, in New York, in August 1985 (see also Decolonization Bulletin No. 22 of June 1985, sect. III.H).

V. ACTIONS AND PROCEDURES RELATING TO DECOLONIZATION FOLLOWED BY THE SPECIAL COMMITTEE

A. Territories within the Special Committee's scope of work

In 1963, the Special Committee established a preliminary list of 64 Territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples applied. This list, annexed to the report of the Special Committee and approved by the General Assembly at its eighteenth session (see table 2), included all the Trust Territories, all the Non-Self-Governing Territories on which administering Powers had been transmitting information under Article 73 e of the Charter, Namibia (then referred to as "South West Africa") and those Non-Self-Governing Territories about which no information had been transmitted, but which the Assembly had specifically deemed to be Non-Self-Governing Territories, namely, the Territories then under Portuguese administration and Southern Rhodesia, now Zimbabwe.

In 1965, the Special Committee expanded the list to include French Somaliland, now Djibouti, and that same year, the General Assembly directed the Special Committee to concern itself with Oman. In 1972, the Comoro Islands was included in the list and Hong Kong and Macao and dependencies were removed therefrom.

In the 25 years since the adoption of the Declaration, 52 Territories have attained self-government either as independent States or in association with other States. (For a complete list of Territories which have achieved independence or another form of self-determination, see tables 4 and 5.)

B. Consultations with the administering Powers, visiting missions, and observation and supervision of elections, referenda and plebiscites

Since its creation, the Special Committee has sent missions to discuss with representatives of the Administering Authorities questions connected with the Committee's sphere of work, as well as visiting missions to the Territories in order to obtain first-hand information on conditions in those Territories, and missions to supervise or observe various popular consultations or elections in Trust and Non-Self-Governing Territories.

Basically, the visiting missions concern themselves with gathering information on constitutional and political developments, economic development and social and educational conditions in a given Territory. To this end, members of the Mission hold extensive meetings with representatives of the administering Power, representatives of the local government, political leaders and the general public. In drawing conclusions and recommendations, the members of the Mission take into account the views expressed by all concerned, as well as their personal observations of the conditions in the Territories.

Once the conduct of popular consultations is determined, whether through referenda, plebiscites or elections, the role of the United Nations can take the form of either supervision, in which case the United Nations organizes and conducts all phases of the process; or observation, in which case the missions are directed to observe the act of popular consultation, including the campaign and polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results. In such cases, the direct arrangements (election regulations, wording of ballot, registration of voters, etc.) are the direct responsibility of the administering Power together with local authorities in the Territory concerned. (For a detailed description of the United Nations participation in popular consultations and elections, see Decolonization Bulletin No. 19 of December 1983.)

Between 1975 and 1985, at the invitation of the administering Powers concerned, the Special Committee dispatched 15 visiting missions to the Territories with which it was concerned, including a mission to the Turks and Caicos Islands to observe the general elections held in 1981. The General Assembly dispatched a mission to Djibouti, former French Somaliland, to observe the referendum and elections held in 1977; to New Hebrides to observe the elections held in 1979; and to the Cocos (Keeling) Islands to observe the act of self-determination in 1984.

Since 1975, the Trusteeship Council has dispatched 13 visiting missions to the Trust Territory of the Pacific Islands, including six periodic missions and 7 observer missions (in 1975, plebiscite in the Northern Mariana Islands; in 1978, referendum on the Federated States of Micronesia; in 1979, referenda in the Marshall Islands and Palau; in 1983, plebiscites in Palau, the Marshall Islands and the Federated States of Micronesia.

In 1976, the Special Committee also sent a high-level ad hoc group to the capitals of the front-line States and Ethiopia in connection with its consideration of the situation obtaining in the colonial Territories in southern Africa. (For a complete list of visiting missions and missions to observe acts of popular consultation, see tables 7 and 8.)

C. 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 adopted a resolution, in connection with the functions of the Trusteeship Council, stating that the right of petition was a fundamental human right, ^{29/} and in 1951 the Fourth Committee of the Assembly for the first time agreed to hear petitions from inhabitants of Trust Territories. In 1961, the Fourth Committee for the first time decided to hear petitioners from Non-Self-Governing Territories, and since then the granting of hearings to petitioners from or concerning Non-Self-Governing Territories has become an established practice of the Committee.

At its inception in 1962, the Special Committee on decolonization agreed that as an additional and supplementary means of acquiring information on Territories which have not yet attained independence it might hear petitioners and receive written petitions, and a full Sub-Committee on Petitions was established for this purpose. In 1973, the Sub-Committee was renamed Sub-Committee on Petitions and Information, and in 1976, Sub-Committee on Petitions, Information and Assistance.

Most of the petitioners ask for an opportunity to exercise their inalienable right to self-determination in accordance with the provisions of the Charter and the Declaration; express their concerns regarding the economic, social and educational conditions in their respective Territories; and bring to the attention of the appropriate United Nations bodies specific complaints or grievances, either as individuals, groups or associations.

The experience of the past 25 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.

D. 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. The Committee has held such meetings in various parts of Africa in 1962, 1965, 1966, 1967, 1969, 1972 and 1985, and in Lisbon in 1975, and Belgrade in 1979. 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. To the same end, the Special Committee and the United Nations Council for Namibia jointly held, in pursuance of General Assembly resolution 31/145 of 17 December 1976, an International Conference in Support of the Peoples of Zimbabwe and Namibia, at Maputo in May 1977.

Its last extraordinary session, at Tunis in May 1985, was held as established under the Programme of Activities in Observance of the Twenty-fifth Anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples. ^{30/} The session was attended by representatives at a very high level, commensurate with the importance attached to the occasion by the United Nations. At the closing meeting of the Tunis session, the Special Committee adopted a consensus on Namibia, ^{31/} in which it reaffirmed the right of the Namibian people to self-determination and independence in a united Namibia in accordance with the Charter and relevant United Nations resolutions relating to Namibia; and the legitimacy of their freedom struggle by all means at their disposal to achieve that right. The Committee also adopted unanimously the conclusions and recommendations on the two regional seminars held earlier in the year at Port Moresby and Havana. (For a detailed account of the proceedings of the extraordinary session held at Tunis, see Decolonization Bulletin No. 23 of October 1985.)

Notes

1/ Chapters XI, XII and XIII of the Charter.

2/ See table 1. 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.

3/ The Territories were: Cambodia and Laos (1953) (listed in 1946 as French Indo-China), Ghana (1957), Guinea (1958) (listed as French West Africa), Indonesia (1949) (listed as Netherlands Indies), the Federation of Malaya (1957), Morocco (1956) and Tunisia (1956).

4/ They were, in chronological order: the Panama Canal Zone (1947), Guadeloupe, French Guiana, Martinique and Réunion (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), Alaska (1959) and Hawaii (1959). The Comoro Archipelago and French Somaliland were reinstated in the list of Non-Self-Governing Territories in 1965 and 1972, respectively.

5/ 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 (General Assembly resolution 289 (IV) A provided for the accession of Libya to independence in 1951), and the Sudan was technically an Anglo-Egyptian Condominium.

6/ 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, (Part I), Fourth Committee, 1038th meeting, para. 27).

7/ Resolution 742 (VIII).

8/ 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.

9/ 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 Ajudá; (e) Angola, including the enclave of Cabinda; (f) Mozambique; (g) Goa and dependencies; (h) Macao; and (i) Timor.

10/ Progress of the Non-Self-Governing Territories under the Charter (United Nations publication, Sales No. 60.VI.B.1), vols. 1-5.

11/ This conclusion was eventually adopted by the General Assembly as resolution 1535 (XV).

12/ See Official Records of the General Assembly, Fifteenth Session, (Part I), Plenary Meetings, vol. 2, 925-939th and 944th-947th meetings.

13/ The resolution was adopted by a roll-call vote of 89 to none, with 9 abstentions. Those abstaining were: Australia, Belgium, Dominican Republic, France, Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America.

14/ The 17 original members of the Special Committee were: Australia, Cambodia, Ethiopia, India, Italy, Madagascar, Mali, Poland, Syria, Tanganiyika, Tunisia, Union of Soviet Socialist Republics, United Kingdom, United States, Uruguay, Venezuela and Yugoslavia.

15/ Resolution 1810 (XVII). The new members were: Bulgaria, Chile, Denmark, Iran, Iraq, Ivory Coast and Sierra Leone.

16/ The 11 original members of the Council were: Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia.

17/ Algeria, Angola, Australia, Bangladesh, Belgium, Botswana, Bulgaria, Burundi, Cameroon, Chile, China, Colombia, Cyprus, Egypt, Finland, Guyana, Haiti, India, Indonesia, Liberia, Mexico, Nigeria, Pakistan, Poland, Romania, Senegal, Turkey, Union of Soviet Socialist Republics, Venezuela, Yugoslavia and Zambia.

18/ Resolution 2105 (XX).

- 19/ Resolution 2189 (XXI).
- 20/ Resolution 2326 (XXII).
- 21/ Resolution 35/118 (reproduced in annex IV).
- 22/ Resolution 39/42.
- 23/ Decision 39/412.

24/ The Territories are: Antigua, Bahamas, Barbados, Belize, Botswana, Brunei Darussalam, Cape Verde, Comoros, Djibouti, Dominica, Equatorial Guinea, Fiji, Gambia, Grenada, Guinea-Bissau, Guyana, Malta, Mauritius, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Solomon Islands, Swaziland and Vanuatu.

- 25/ Samoa.
- 26/ Cook Islands and Niue.
- 27/ Nauru, Kiribati and Tuvalu.
- 28/ General Assembly resolutions 39/92 and 40/58.
- 29/ Resolution 435 (V).
- 30/ Resolution 39/93, annex.
- 31/ See A/AC.109/830.

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TABLE 1

List of Non-Self-Governing Territories enumerated in
General Assembly resolution 66 (I) of 14 December 1946

<u>Australia</u>	<u>United Kingdom of Great Britain and Northern Ireland</u>
Papua	Aden (Colony and Protectorate)
<u>Belgium</u>	Bahamas
Belgian Congo *	Barbados
<u>Denmark</u>	Basutoland
Greenland **	Bechuanaland Protectorate
<u>France</u>	Bermuda
French Equatorial Africa *	British Guiana
French Establishments in India *	British Honduras
French Establishments in Oceania **	British Somaliland Protectorate *
French Guiana **	Brunei
French Somaliland **	Cyprus *
French West Africa *	Dominica
Guadeloupe and dependencies **	Falkland Islands
Indo-China *	Fiji
Madagascar and dependencies *	Gambia
Martinique **	Gibraltar
Morocco *	Gold Coast (Colony and Protectorate)*
New Caledonia and dependencies **	Grenada
New Hebrides under Anglo-French Condominium	Hong Kong
Réunion **	Jamaica
Saint-Pierre et Miquelon **	Kenya (Colony and Protectorate)
Tunisia *	Leeward Islands
<u>Netherlands</u>	Malayan Union *
Curacao **	Malta ***
Netherlands Indies *	Mauritius
Surinam **	Nigeria *
<u>New Zealand</u>	North Borneo
Cook Islands	Northern Rhodesia
Tokelau Islands	Nyasaland
	St. Helena and dependencies
	St. Lucia
	St. Vincent
	Sarawak
	Seychelles
	Sierra Leone
	Singapore
	Swaziland
	Trinidad and Tobago
	Uganda Protectorate
	Western Pacific-High Commission Territories (Gilbert and Ellice Islands Colony, British Solomon Islands Protectorate, Pitcairn Island)
	Zanzibar Protectorate