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**President:** Mr. Edvard HAMBRO (Norway).

**AGENDA ITEM 89**

**Amendment to Article 22 of the Statute of the International Court of Justice (Seat of the Court) and consequential amendments to Articles 23 and 28**

**REPORT OF THE SIXTH COMMITTEE (A/8201)**

1. Mr. OWADA (Japan), Rapporteur of the Sixth Committee: I have the honour, on behalf of the Sixth Committee, to submit its report on agenda item 89 [A/8201] to the General Assembly. It might be recalled that this item was previously included in the agenda of the twenty-fourth session of the General Assembly at the request of the International Court of Justice pursuant to rule 13 (d) of the rules of procedure of the General Assembly. At that session the General Assembly, in the course of its 1831st plenary meeting on 12 December 1969, accepted the recommendation of the Sixth Committee that consideration of the item be postponed and the Secretary-General be requested to include the item in the provisional agenda of the twenty-fifth regular session. It was thus that this item came to be placed before the Sixth Committee for its consideration at the present session.

2. Agenda item 89 was taken up by the Sixth Committee this year at its 1237th and 1238th meetings on 27 November and 30 November 1970, respectively. In view of the fact that Article 69 of the Statute of the International Court of Justice contains provisions concerning the possible participation of States which are parties to the Statute but are not Members of the United Nations in the procedure for effecting amendments to

the Statute, the Assembly, upon recommendation by the Security Council, had already decided in its resolution 2520 (XXIV), adopted last year, that the said parties should be invited to participate in the consideration of the item. Pursuant to that resolution, Liechtenstein, San Marino and Switzerland were invited also at the present session to participate in the proceedings of the Sixth Committee when the present agenda item was taken up.

3. On 30 November 1970 [1238th meeting] the Chairman made a statement following upon exchanges of views which had taken place among delegations. He said that at that late stage of the session of the General Assembly it was his understanding that it would be in the general interest if there were to be a further deferment of discussion in the General Assembly. In those circumstances the Chairman assumed that he might take it that the Committee agreed that consideration of the item should be postponed, while its inclusion in the provisional agenda of the twenty-sixth session of the General Assembly was recommended.

4. Since the Sixth Committee agreed to that proposal without objection, it now makes that recommendation to the Assembly.

*Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Sixth Committee.*

5. The PRESIDENT (*interpretation from Spanish*): In paragraph 6 of its report in document A/8201, the Sixth Committee recommends that the General Assembly decide to postpone the consideration of agenda item 89 and that it request the Secretary-General to include the item in the provisional agenda of the twenty-sixth session.

6. If there is no objection, it will be so decided.

*It was so decided.*

*The representatives of Liechtenstein, San Marino and Switzerland withdrew.*

**AGENDA ITEM 91**

**Progressive development and codification of the rules of international law relating to international watercourses**

**REPORT OF THE SIXTH COMMITTEE (A/8202)**

7. Mr. OWADA (Japan), Rapporteur of the Sixth Committee: Agenda item 91 is the second item on which

I have the honour to submit to the General Assembly a report of the Sixth Committee [A/8202].

8. By a note verbale dated 24 April 1970 [A/7991], Finland requested the inclusion of this item in the provisional agenda of the twenty-fifth session of the General Assembly. At its 1843rd plenary meeting, on 18 September 1970, the General Assembly, on the recommendation of the General Committee, as shown in paragraphs 21 and 24 of its report [A/8100], decided to place the item on the agenda and allocated it to the Sixth Committee.

9. In the explanatory memorandum attached to the note verbale proposing the inclusion of the item in the agenda, it was stated that the United Nations should further the progressive development and codification of the rules of international law relating to international watercourses, including international drainage basins, and that the time had come for the General Assembly to take the preliminary action necessary for the attainment of that goal. The memorandum also suggested concrete procedures to deal with this matter.

10. The Sixth Committee devoted nine meetings to the consideration of this item, during the period from 13 to 25 November 1970. The Sixth Committee held most useful discussions on various aspects of the question, both from the viewpoint of the substance of the problems involved and from the viewpoint of the procedures to be adopted for the consideration of these problems. After extensive discussions, the Sixth Committee, at its 1236th meeting held on 25 November 1970, finally adopted a draft resolution, the text of which is contained in paragraph 18 of its present report. The draft resolution as a whole was adopted by 87 votes to none, with 8 abstentions.

11. According to the draft resolution thus adopted by the Sixth Committee, after recalling in its first preambular paragraph General Assembly resolution 1401 (XIV) of 21 November 1959 by which the Assembly considered that it was desirable to initiate preliminary studies on the legal problems relating to the utilization and use of international rivers, and a result of which useful legal material was collected in the report submitted by the Secretary-General on 15 April 1963, the Assembly:

“1. *Recommends* that the International Law Commission should, as a first step, take up the study of the law of the non-navigational uses of international watercourses with a view to its progressive development and codification and, in the light of its scheduled programme of work, should consider the practicability of taking the necessary action as soon as the Commission deems it appropriate;

“2. *Requests* the Secretary-General: “(a) to continue the study initiated by the General Assembly in resolution 1401 (XIV) in order to prepare a supplementary report on the legal problems relating to the utilization and use of international watercourses, taking into account the recent application in State practice and international adjudication of the law

of international watercourses and also intergovernmental and non-governmental studies of this matter;

(b) To forward to the International Law Commission the records of the discussion on the item at the twenty-fifth session of the General Assembly, the report prepared by the Secretary-General pursuant to General Assembly resolution 1401 (XIV), as well as the text of the present resolution and all other documentation necessary for the Commission's work.”

12. In this connexion I should like to invite the attention of this Assembly to paragraph 17 of the report of the Sixth Committee, which refers to a decision taken by it at the time of the adoption of the draft resolution.

It states the following:

“It was agreed in the Sixth Committee that intergovernmental and non-governmental studies on the subject, especially those which are of a recent date, should be taken into account by the International Law Commission in its consideration of the topic.”

13. On behalf of the Sixth Committee, I should like to recommend to this Assembly the adoption of the present draft resolution. I trust that its adoption by the Assembly will be an endorsement of the conviction generally shared by the members of the Sixth Committee that there exists the necessity to promote, in accordance with Article 13 of the United Nations Charter, the progressive development and codification of the law of international watercourses and to concentrate this work within the framework of the United Nations.

*Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Sixth Committee.*

14. The PRESIDENT: I call on the representative of Brazil, who wishes to explain his vote.

15. Mr. DE SOUZA E SILVA (Brazil): The Brazilian delegation did not vote in favour of the draft resolution adopted by the Sixth Committee and would like to reiterate here the reasons why the draft seems to us unacceptable.

16. The draft resolution falls far short of obeying the principles stated in resolution 1401 (XIV), which it nevertheless invokes as its basic antecedent. Resolution 1401 (XIV), in all prudence, recommended that preliminary studies be undertaken in order to determine whether “the subject is appropriate for codification” and requested the Secretary-General to make a report based primarily on information provided by Member States on the national laws in force. The draft resolution now before us, without any previous study to justify the action envisaged, concludes that there is necessity for codification as a first step towards a general convention.

17. There was an attempt to have the text include a statement to the effect that the whole process should be based on the Helsinki rules. In the face of sustained opposition it was decided to avoid mentioning those rules, without, however, actually abandoning all references to them. As a matter of fact, when the Sixth Committee agrees that studies on the subject should be taken into account, "especially those which are of a recent date", it is precisely those rules which, in the final analysis, are singled out as a basis for the study, since they are among the most recent documents which apply to the matter.

18. Resolution 1401 (XIV) is crystal clear: before anything else a survey, so that all the States might then decide whether or not the question lends itself to codification. Of the 127 countries which now make up the United Nations, only five sent the material requested in that resolution. It is therefore evident that there is no widespread interest in the matter to justify the elimination of the preliminary step called for in resolution 1401 (XIV). We fail to see why the subject must now be treated as if vested with an urgency it has never seemed to have during all these long years.

19. The sequence of paragraphs in the operative part of the draft resolution, as approved by less than half of the members of the Sixth Committee, is illogical. The International Law Commission will not be able to carry out the tasks assigned to it in paragraph 1 until after the presentation of the report which paragraph 2 calls upon the Secretary-General to prepare. The same inconsistency is apparent within the text of paragraph 1 itself. The Commission is summarily charged with studying the law of international watercourses "with a view to its progressive development and codification". And it is only subsequent to that that the Commission is admonished to "consider the practicability of taking the necessary action".

20. In a much more logical way, resolution 1401 (XIV) indicated the procedure we should now follow: first, the Secretary-General would prepare a report on the lines set forth in paragraph 2; second, after receiving the Secretary-General's report, the International Law Commission would prepare its own report, giving a preliminary opinion as to the desirability or possibility of codification, or as to whether another solution would be more appropriate from the legal point of view; third, the General Assembly would re-examine the question in the light of the two reports and make a final decision on whether or not the process of codification should be undertaken.

21. The Brazilian delegation in the Sixth Committee [1232nd meeting] outlined the criteria that we believe should be observed. Whatever else the studies are designed to do, they should take as a starting point the principles of national sovereignty and international responsibility. These principles should never be subject either to automatic prior consultation or to a geographical criterion of the indivisible physical unity of a hydrographical basin. If that were allowed, it would have the following results: first, the principle of sovereignty would be gravely infringed; second, the geographic limits between States would be ignored,

so that an element of anarchy would be introduced into international relations; third, the fundamental distinction between contiguous and successive waterways would be invalidated; fourth, the tributaries which run exclusively within national frontiers would be characterized as international waters; fifth, tacitly and without restrictions, there would be introduced the so-called principle of optimum utilization of the basins, including those which are governed by treaties now in force, enshrining different principles and criteria; sixth, there would be interference with those policies of integration in which the national element takes precedence over the regional.

22. It is the understanding of the Brazilian Government that any preliminary study can be effective in practice and valid in jurisprudence only if it takes into account the profound dissimilarities existing in the different international basins. It must also consider the multiplicity of economic and social variables that come into play whenever there is industrial use of watercourses. Each basin presents its own individual characteristics; each river has its specific aspects that are not susceptible to generalization. It is, therefore, impractical to try to establish abstract and *a priori* norms or uniform rules of codification for the regulation of situations which are so entirely disparate.

23. On the other hand, the Brazilian Government finds it impossible to share the preoccupation, echoed in the draft, at the almost total non-existence of written law containing more or less uniform rules on a matter of interest restricted to the neighbouring States and to their agricultural and industrial use of the waters, certainly without the need for a universal discipline. It is essential to note that the international community recognizes the riparian States' own right, but not a juridical relationship of a general order in which all participate. Beyond the agreements between the States directly concerned, there are no general norms of law for this kind of situation.

24. Every attempt at a juridical systematization and proclamation of generic norms to this effect has been fruitless, either because of a lack of participation by the interested States or because of the non-implementation of recommendations. Such was the case of the Geneva Convention,<sup>1</sup> which became a dead letter. The non-existence of a general convention on the subject is most probably due not only to the geographic contrasts previously mentioned but to the fact that the utilization of waterways for industrial and agricultural purposes is the product of recent technological discoveries that have sprung from and advanced in pace with the industrial revolution. This last factor, of a technological nature, perhaps explains the fact that fluvial law, in particular, is still a mere proposition of *lege ferenda* and not *lege lata*. Well aware of this obstacle in the way of juridical crystallization, resolution 1401 (XIV) sought to ascertain, before proceeding any further, if the subject really lends itself to codification. As a source of law, treaties and international agreements have an advantage over

<sup>1</sup> Convention relating to the Development of Hydraulic Power affecting more than one State, signed at Geneva in 1923.

the planned codification in that they emanate from a consensus of sovereignties as far as a certain subject is concerned, and this means a much more positive reality on the legislative level. The Brazilian Government is convinced that the effort to impose uniform rules and general obligations on the States can cause more problems than solutions to international good neighbourship.

25. As far as South America is concerned, there would be a duplication of efforts related to the observance of Article 13 of the United Nations Charter. In the context of the River Plate Basin Treaty of 1969, a reasonable understanding is being reached, as witness the success of the second meeting of the Panel of Experts on Legal and Institutional Implications of International Water Resources Development in New York in 1969. Certain decisions made by them represent a basic step towards a pragmatic and realistic treatment of the question, having in mind the objectives of multinational and integrated development of the area. The recommendations were unanimously approved by the Governments of the countries of the River Plate Basin.

26. In the light of all these considerations, the delegation of Brazil feels itself obliged to vote against the draft resolution, considering it not only unnecessary, but counter-productive. We would hope that other delegations, weighing the importance of the matter, would take the same position. At any rate, we trust that even if the draft should be adopted, the International Law Commission will follow the path of logic, which was that of resolution 1401 (XIV), and before starting any process of codification, will make a prior study to discover if such a codification is possible, or if an alternative solution is to be recommended from the legal point of view. The General Assembly would then have the opportunity to proceed with a more serious study of the question, arriving at conclusions which in the opinion of the Brazilian Government would necessarily differ from those now projected for our adoption.

27. The PRESIDENT (*interpretation from Spanish*): I invite Members to turn their attention to the decision of the Sixth Committee in paragraph 17 of its report [A/8202]. May I consider that it is the wish of the General Assembly to take note of that decision?

*It was so decided.*

28. The Assembly will now proceed to vote on the draft resolution recommended by the Sixth Committee in paragraph 18 of its report [A/8202]. A recorded vote has been requested. The administrative and financial implications arising out of operative paragraph 2 of the draft resolution are set forth in document A/8207.

*A recorded vote was taken.*

*In favour:* Algeria, Australia, Austria, Belgium, Bolivia, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Colombia, Congo (Democratic

Republic of), Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, El Salvador, Finland, France, Gabon, Gambia, Greece, Guatemala, Guyana, Hungary, Iceland, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Mali, Mauritius, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Southern Yemen, Spain, Sudan, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

*Against:* Brazil.

*Abstaining:* Afghanistan, Argentina, Cambodia, India, Portugal, Turkey, United Republic of Tanzania.

*The draft resolution was adopted by 89 votes to 1, with 7 abstentions [resolution 2669 (XXV)].<sup>2</sup>*

29. The PRESIDENT (*interpretation from Spanish*): I now call on the representative of Turkey, who wishes to speak in explanation of vote.

30. Mr. GÜNEY (Turkey) (*interpretation from French*): I asked for the floor to explain the vote of my delegation. My delegation abstained in the vote on the draft resolution on the progressive development and codification of the rules of international law relating to international watercourses for the reasons expressed by it during the debate on this subject at the 1234th meeting of the Sixth Committee.

## AGENDA ITEM 23

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

31. The PRESIDENT (*interpretation from Spanish*): Members of the General Assembly will recall that this item was allocated to the plenary Assembly so that it might examine the implementation of the Declaration in general. All the chapters of the report of the Special Committee relating to specific Territories have been referred to the Fourth Committee.

32. The General Assembly has thus far considered the reports of the Fourth Committee on Southern Rhodesia and Fiji. Subsequently, it will consider reports on other Territories.

<sup>2</sup> The delegation of Italy subsequently informed the Secretariat that it wished to be recorded as having voted in favour of the draft resolution.

33. The Assembly will now begin its consideration of item 23 as a whole, and accordingly all the problems relating to this question may be raised. However, in order to facilitate the debate, it would be preferable if representatives wishing to make comments on specific Territories did so when the Assembly takes up the draft resolutions relating to individual Territories.

34. Mr. CHADHA (India), Rapporteur 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: I have the honour to present to the General Assembly the report of the Special Committee covering its work during 1970 [A/8023/Rev.1].

35. The Special Committee had an extremely heavy schedule this year, inasmuch as it was concerned with work in connexion with the tenth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples in addition to its normal schedule. This included, *inter alia*, the drawing up of a programme of action for consideration by the General Assembly for the elimination of the remaining vestiges of colonialism and of the production of an analytical study on colonialism. As a result, the Committee met almost continuously from the beginning of the year until earlier this month. In particular, the Working Group of the Committee continued to meet even during the small break in the Committee's work in July 1970.

36. The Special Committee decided at the beginning of its session this year to give priority to programmes relating to the tenth anniversary of the Declaration. With a view to the performance of the special tasks assigned to it in this connexion, the Special Committee dispatched an *ad hoc* group consisting of eight members under the leadership of His Excellency Ambassador Davidson Nicol, Permanent Representative of Sierra Leone and Chairman of the Special Committee, to several countries in Africa, to make contact with leaders of liberation movements.

37. Apart from ascertaining their views concerning concrete courses of action at the United Nations in regard to colonial Territories, this visit also served to continue the first-hand contact with representatives of the peoples of colonial Territories that the Committee has always endeavoured to maintain. The report of the *Ad Hoc* Group [A/8086, annex II] was published in July as a document of the Special Committee.

38. Earlier during this session [1861st meeting] when I had the honour to present to the General Assembly the draft programme of action drawn up by the Committee of Twenty-Four [see resolution 2621 (XXV)] I also had the occasion to mention some of the salient features of the report of the *Ad Hoc* Group. As I mentioned on that occasion, the group had a most fruitful visit, inasmuch as it was able to contact representatives of all liberation movements in southern Africa recognized by the Organization of African Unity, pertaining to Namibia, Southern Rhodesia and the colonies under Portuguese administration, with the sole exception of the Revolutionary Government of Angola in exile.

39. All the leaders and other representatives of the liberation movements that the *Ad Hoc* Group met with expressed feelings of complete frustration with the efforts of the United Nations in the colonial field. They pleaded for more action and fewer words from this august body. At the same time, they expressed the view that it was but a few powerful countries which were responsible for the lack of effective action by the United Nations. To a man they were bitter in their criticism of the operation of foreign economic interests in their Territories. According to them, it was those interests which enriched the administering Powers concerned and thereby enabled them to prosecute their repressive policies towards the inhabitants and to finance the costly wars of the administering Powers against the peoples of Angola, Mozambique and Guinea (Bissau). They were unanimous in their conclusion that those foreign economic interests were working against the interests of the inhabitants in those Territories. Indeed, it was the feeling of most of them that were it not for the operation of those foreign economic interests in the colonial Territories in southern Africa, it would be impossible for the colonial Powers to maintain themselves in those Territories for any appreciable length of time. They singled out projects such as the Cabora Bassa scheme and the Cunene River scheme, describing them as crimes against humanity. While they were appreciative of the actions of certain countries in withdrawing from participation in the Cabora Bassa scheme, they felt that the United Nations should make every effort to persuade other countries to follow suit, not only in respect of this scheme alone, but in respect of the general economic and financial involvement in colonial Territories in southern Africa, so long as those Territories continued under colonial rule.

40. It is indeed a measure of the frustration of the peoples of colonial Territories in southern Africa that their representatives have all but lost faith in any peaceful solution to colonial problems in that part of the world. In their view, armed struggle seemed to be the only way out of the impasse in which they find themselves today. This is not to say, however, that they did not appreciate the moral support given to them by the United Nations and by countries and organizations individually. However, such support could only buttress their struggle, not replace it. It was in that context that they hailed the recognition by the United Nations General Assembly of the legitimacy of their struggle for freedom. In their view, it followed from this recognition that the United Nations should render not only moral but material assistance to the liberation movements in colonial countries in southern Africa.

41. Some representatives of liberation movements reiterated their invitation to the Special Committee to visit liberated areas in colonial Territories in Africa. They felt that such visits would be useful to the Committee in the performance of its tasks, as they would enable it to see at first hand the work being done by those movements for their people, and the measure of success achieved by them.

42. In regard to Southern Rhodesia, the representatives of liberation movements were convinced that the



sanctions imposed by the United Nations could not possibly result in the downfall of the illegal régime of Mr. Ian Smith so long as Portugal and South Africa continued not only to violate them but actively to assist the illegal régime in circumventing them. Suitable action against those countries was therefore called for. The representatives of liberation movements also vigorously condemned the supply of arms by certain countries to South Africa and Portugal. They felt that these arms were acquired by the colonial régimes in southern Africa largely for use against the African majorities of those Territories, to suppress any yearnings for freedom. Such supply of arms was thus instrumental in prolonging their struggle for freedom.

43. A suggestion that was persistently advocated by the representatives of liberation movements, as well as by His Excellency Mr. Diallo Telli, the Secretary-General of the Organization of African Unity, with whom the group met, was the creation of a special fund for decolonization to be administered by a co-ordination committee including the United Nations, the Organization of African Unity and the specialized agencies. The Special Committee, according to this suggestion, was to have the predominant role in administering the fund.

44. It has been necessary to go in some detail into the views that were expressed to the *Ad Hoc* Group by the leaders and other representatives of the liberation movements in southern Africa, as these formed the necessary backdrop not only for drawing up a programme of action by the Special Committee, but also for the Committee's consideration of colonial questions relating to southern Africa. The debate concerning those questions was initiated before the departure of the *Ad Hoc* Group for Africa, but the experience of that group was invaluable in the course of that debate and in the formulation of the resolutions in which the debate culminated.

45. The Special Committee devoted a considerable amount of time to work in connexion with the analytical study on decolonization. With a view to minimizing formal discussion, and thereby making the best use of the limited time available, the Working Group, to which the task had been entrusted by the Committee, decided to authorize the Rapporteur to consult with the various delegations and to invite written comments and suggestions in regard to the first draft. Over the course of several months detailed suggestions from several delegations were received, and three revisions of the text were carried out successively in the light of those suggestions. The final revision, consisting of about 60 pages with about 150 pages of annexes, was brought before the Working Group for formal consideration. On account of paucity of time, however, it was decided to continue the work in connexion with the analytical study at the next session of the Special Committee.

46. A significant feature of the Committee's activities during the year was the dispatch of a delegation of observers, in response to an invitation, to the International Conference in Support of the Peoples of Por-

tuguese Colonies, held in Rome from 27 to 29 June. The delegation was led by a Vice-Chairman of the Committee, who also made a statement at the Conference.

47. Apart from the special tasks assigned to it, the Committee gave detailed attention to the regular matters on its agenda, including, *inter alia*, the implementation of the Declaration by the specialized agencies and international institutions associated with the United Nations, the operation of foreign economic interests in colonial Territories and of military activities and arrangements by colonial Powers in such Territories, information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter, the question of sending visiting missions to colonial Territories, the list of Territories to which the Declaration is applicable, publicity for the work of the United Nations in the field of decolonization, relations with the Organization of African Unity, and the extent of compliance with the resolutions of the Special Committee and of the General Assembly in the field of decolonization. Individual attention was paid, as usual, by the subcommittees concerned to the large number of smaller Territories on the Committee's agenda. Consultations were also carried out in regard to certain Caribbean Territories which the General Assembly, at its last session, had specifically charged the Committee of Twenty-Four to study.

48. The attention of the members of the General Assembly is also invited in particular to the chapter entitled "Future Work" embodied in the report of the Special Committee. In approving the programme of work contained in this section, the members of the General Assembly may consider adequate financial provisions to cover activities of the Committee envisaged for 1971. The Special Committee is also confident that the Secretary-General will continue to provide it with the facilities and personnel necessary for the discharge of its mandate.

49. I commend the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for the close attention of the General Assembly.

50. The PRESIDENT: I now call on Ambassador Nicol of Sierra Leone, Chairman 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.

51. Mr. NICOL (Sierra Leone), Chairman 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 Rapporteur of the Special Committee, over which I have the honour to preside, has just given the Assembly a detailed account of the work of the Committee for 1970—a momentous and eventful year embracing the tenth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as the twenty-fifth anniversary of the United Nations.

52. Indeed, a quarter of a century has passed since the adoption of the Charter of the United Nations, holding out the promise of a world with peace, justice, prosperity and freedom to be achieved through, among other things, the application of the principle of equal rights and self-determination of peoples. During the period, the world community, through its collective action, has made considerable progress towards the solution of a number of complex problems which had for a long time seemed incapable of solution. In recent years, the collective will and determination of Member States have found concrete expression in the successful conclusion of the Treaty on the Non-Proliferation of Nuclear Weapons, the international development strategy, the Second Development Decade and various other arrangements for economic and social advancement of the developing countries, the Declaration on Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and even in the attempts to regulate the peaceful use of outer space and of the sea-bed.

53. Despite all those accomplishments and despite our solemn commitment resolutely to turn the course of the world towards universal freedom, it is nevertheless true that ten years after the adoption of the Declaration on decolonization, millions of men and women continue to remain enslaved under oppressive régimes of colonizers and racialists, particularly in the southern part of Africa—a dreadful reality and ironic testimony to the juxtaposition of two radically different historical ages: the age of advanced science on the one hand and the age of the human tragedy of enslavement on the other.

54. In the extensive discussions that take place every year concerning the colonialist and racist policies being pursued by the authorities in southern Africa, much stress is laid on the need to intensify the collective efforts of the United Nations to maintain a united front against those régimes pursuing such policies and to develop concerted action in order to achieve the objectives to which we all subscribe. Indeed, proceeding from these concepts, the Organization has instituted a complex apparatus designed to meet general or specific requirements for the total implementation of the Declaration: The Special Committee of Twenty-Four, the United Nations Council for Namibia, the Security Council *Ad Hoc* Sub-Committee on Namibia and the Security Council Sanctions Committee on Southern Rhodesia. In these circumstances, one would have expected to see the deplorable situation in southern Africa brought to an immediate end. Yet the brute force of colonial presence is a reality which still confronts us in that part of the world.

55. The reason for this is not far to seek. As members will recall, only the other day the General Assembly adopted resolution 2652 (XXV) on the question of Southern Rhodesia, the Territory in which five years ago an illegal minority régime revolted against the administering Power—the United Kingdom—and took over the fate of the lives of millions of African people which it keeps under continuing subjugation in complete defiance of the relevant United Nations decisions.

What was the result of the vote on that resolution? Seventy-nine in favour, 10 against, and 14 abstentions.

56. Another example came in the Fourth Committee, where votes were taken recently on the draft resolutions concerning the Territories under Portuguese domination and the question of Namibia. The results: 90 votes in favour, 7 against and 17 abstentions on the draft resolution relating to the Portuguese Territories; and on the draft resolution concerning Namibia, 90 in favour, 5 against and 14 abstentions. It is patently clear, in my view, that those Member States abstaining or casting negative votes are aiding and abetting a notorious *entente* dedicated to the maintenance of a dominant position by a racist minority and to achieving the complete and permanent subordination—political, economic and social—of the indigenous peoples to its interests.

57. Through the use of ruthless discrimination, and backed by military operations, the authorities in South Africa and Portugal and the illegal racist minority régime in Southern Rhodesia are determined to achieve complete control over the human and material resources of the Territories in that part of Africa and to exploit those resources in the fullest possible measure to their exclusive advantage.

58. A number of members of the Special Committee, speaking at this rostrum and elsewhere, have repeatedly deplored the increased resort by the authorities concerned, in co-operation with one another, to military activities and arrangements in order to subjugate the indigenous population, to ensure the continued operation of the foreign interests which are exploiting the resources of the Territories and to suppress the national liberation movement in an endeavour to stifle the legitimate aspirations of the people to freedom and independence. As we witnessed some two weeks ago, the intensification of armed repression and the co-ordinated escalation of military activities in colonial Territories are causes of great anxiety to us; they have implications which constitute a grave and increasing threat to the security of neighbouring African States and to international peace in general.

59. I am sure that I do not need to elaborate any further. The continued oppression of the peoples of southern Africa cannot be left unarrested any longer. The situation calls for immediate action; it does not allow compromise, because—as the Honourable President Julius Nyerere of Tanzania has said—compromise on a matter of human rights is a denial of those rights. In his words, there can be no peace without justice; the greater the movement for justice, the greater the chances of peace. The United Nations is confronted in southern Africa by a grave challenge, a challenge to its authority and to the principles which it is pledged to uphold. It must meet that challenge if it is to continue to serve effectively the purposes to which it is dedicated.

60. With respect to the other dependent Territories—the majority of which are small Territories

with peculiar problems arising from their small size and population, geographical isolation and limited economic resources—it is clear that the administering Powers concerned have yet to take the necessary steps to give full effect to the specific recommendations contained in the resolutions previously adopted by the General Assembly on the individual Territories. As you, Mr. President, said earlier, when the draft resolution is presented there will be ample opportunity for representatives to comment on the progress of those Territories. Admittedly, some limited constitutional advances have recently taken place in some of them, and we are glad of that; however, the competence of the local legislative and executive bodies which are not fully representative has been limited and the effective power of decision in the crucial fields of government and administration often remain vested in officials appointed by the administering Powers.

61. In this connexion, the Special Committee two years ago held a general exchange of views concerning the problems of so-called small Territories and, while it was considered self-evident that consideration of peculiar problems to which I have just referred might give rise to particular problems that would require an individual approach for their solution, the Committee was unanimous in its belief that such problems did not detract from the people's right to self-determination and freedom from colonial rule.

62. As indicated in the relevant chapter of its report which is before the Assembly, it is the intention of the Special Committee to pursue further its study of the small Territories with a view to the full implementation of the Declaration in respect of those Territories. I would hope, in that connexion, that there will be a change in the attitude of the administering Powers towards the sending of visiting groups by the Special Committee to the Territories for which it is responsible, as I am deeply convinced that the dispatch of such groups constitutes a most valuable source of first-hand information on the political, economic and social situation in the Territories and on the views, wishes and aspirations of the peoples.

63. Today's debate opens a new epoch before us, in that it marks the beginning of the second decade of the Declaration. Fully aware of the importance of the occasion the Special Committee has already initiated a programme of action for the full implementation of the Declaration, a programme of action which was adopted by the General Assembly on 12 October 1970, in its resolution 2621 (XXV).

64. Let us on this day express our fervent hope that, with the necessary co-operation of all the Member States in according priority to the adoption of the various measures envisaged under that programme of action, this second decade of the decolonization process will bring about the full implementation of the Declaration without any further delay.

65. The PRESIDENT (*interpretation from Spanish*): Before I call on representatives who wish to speak, I should like to inform members of my intentions in dealing with agenda item 23.

66. First, in order to be able to organize our work, we should have an indication of how many representatives wish to speak before the vote. With that in view, I propose to close the list of speakers in the debate on this item at 5 o'clock tomorrow afternoon. If I hear no objection, I shall take it that the list of speakers shall be closed tomorrow at 5 p.m.

*It was so decided.*

67. Second, depending, of course, on the number of speakers on the list, this item will be on the agenda of the plenary meetings on Wednesday, 9 December, Thursday, 10 December and Friday, 11 December, so that the Assembly could, if possible, proceed to the vote on Monday morning, 14 December. That is of course on the clear understanding that, in order to save the time of the Assembly, we may take up also any reports from the Main Committees that are ready for plenary action.

68. Third, in order to meet the proposed schedule for this item, delegations intending to submit draft proposals should do so not later than 5 p.m. on Friday, 11 December. Additional time will also be needed if the draft proposals have financial implications under rule 154 of the rules of procedure. If I hear no objection, I shall take it that the time-limit for the submission of draft proposals will be Friday, 11 December, at 5 p.m.

*It was so decided.*

69. Mr. ELMU (Somalia): My delegation considers the question now before this Assembly one of the most important problems facing the Organization in this twenty-fifth anniversary year.

70. Before I proceed to comment on the report I should like, on behalf of my country, to salute and welcome very warmly the new State of Fiji on its attainment of independence and its admission into the great family of the United Nations.

71. It is gratifying to observe that in these last years many countries in Africa and elsewhere have achieved their national independence and joined the family of sovereign nations. But although ten years have passed since the adoption of General Assembly resolution 1514 (XV), the purpose of which was the complete and final elimination of colonialism in all its forms and manifestations, more than 28 million people in many parts of the world, particularly in the African continent, continue to be denied their inalienable right to self-determination and independence and, in fact, are still languishing under colonial and racist oppression.

72. As we celebrated the twenty-fifth anniversary of the Organization, the millions of oppressed human beings living in different parts of the world turned their imploring eyes towards us, the peoples of the United Nations, for help. We represent for them a great beacon of hope, and they expect us to assist them in obtaining their fundamental rights to peace, freedom and human dignity.



73. My country is glad that the General Assembly adopted [*resolution 2621 (XXV)*], on 12 October 1970, a programme of action for the full implementation of the Declaration on decolonization presented by the Committee of Twenty-Four in connexion with the tenth anniversary of that Declaration and the twenty-fifth anniversary of the United Nations. In this regard I should like to compliment the members of the Special Committee of Twenty-Four and its Chairman, Ambassador Nicol of Sierra Leone, for the excellent work they have done in preparing this important document.

74. My delegation sees this programme as a smooth short-cut in the endeavour to find ways and means for the implementation of General Assembly resolution 1514 (XV). The plan set forth in the programme of action would necessarily require the United Nations to take strong measures to secure its enforcement. That would, in turn, require determination combined with strenuous efforts on the part of all Member States.

75. My delegation gives its unreserved support to this programme of action, because my Government believes that the provisions of the programme will, if fully implemented, constitute a major landmark in the struggle of colonial peoples for freedom and justice and may culminate in the total elimination of the shameful colonial system in the world.

76. The report of the Special Committee indicates some of the reasons which are hindering the implementation of the Declaration and provides clear evidence of the sharp deterioration in the situation in the colonial Territories, especially in Southern Rhodesia, Namibia and the Portuguese colonies of Mozambique, Angola and Guinea (Bissau).

77. There can be no doubt that in the near future the United Nations will be called upon to consider a new approach to the solution of the problems relating to the liberation of colonial peoples.

78. The deplorable formation in southern Africa of a nazi fascist-type axis, designed to hold under perpetual forcible enslavement millions of Africans in their own homeland, should be considered as a direct threat to international peace.

79. We in the Somali Democratic Republic consider colonial questions in Africa today as just as potential a danger to world peace and security as any other equally explosive situation elsewhere because, as the Secretary of State for Foreign Affairs of my country said in his statement before this Assembly last September:

“There is a basic similarity between the problems of the Middle East, Viet-Nam, Korea and the problems of southern Africa where the denial of human rights of the indigenous people is a philosophy of government and where, in the last strongholds of colonialism and imperialism, armed forces suppress the desire of the people for self-determination and independence. As the Government of an independent African nation and one which tries to pay more than

lip service to the principles of the Charter, we are deeply concerned over the oppression of the people of southern Africa and the indifference of many members of the international community to that oppression.” [*1850th meeting, para. 120.*]

80. Since the unilateral declaration of independence almost five years ago, the situation in Southern Rhodesia has deteriorated dreadfully. What is worse, the so-called sanctions have inevitably failed. Consequently, the white minority régime has significantly consolidated its position thanks to the policy of connivance so condescendingly followed by the Government of the United Kingdom, the administering authority of that unfortunate African country.

81. In this connexion my delegation finds it hard to understand how the usually serious Government of the United Kingdom can, on the one hand, acknowledge responsibility for the administration of the Territory and, on the other, tolerate for five long years the usurpation of power within the country by the racist white settlers. The United Kingdom has flatly declined to take any action against the rebel régime beyond the well-known, half-hearted sanctions intended simply to register its disapproval of the illegally established administration. We in this Organization are all aware that all meaningful measures proposed by the international community have been stubbornly opposed by the United Kingdom and by its most powerful ally, the United States of America.

82. In Namibia the authority of the United Nations is arrogantly challenged by the Republic of South Africa. In fact, since the decision of this Assembly in 1967 [*resolution 2325 (XXII)*] to take over the administration of the Territory in order to prepare it for independence, we have witnessed year after year a deteriorating situation in which the 11 member United Nations Council for Namibia, established four years ago [*resolution 2248 (S-V)*], has not yet been able to set foot in the country under its international authority because South Africa refuses to have any dealings with it. Furthermore, South Africa has implemented the so-called Odendaal Report and its master *apartheid* plan, which calls for the division of the Territory into separate white and non-white areas with the most productive and developed portions assigned to the whites.

83. From the present report on Namibia we notice, if we understand the situation correctly, that apart from some assistance rendered to the Namibian independence movement the Council for Namibia could do nothing but review “laws and practices established in the Territory by the Government of South Africa, contrary to the purposes and principles of the United Nations Charter”. Although the Council has performed some useful work, we have a clear indication that it cannot function satisfactorily under the present circumstances, nor is it any longer possible for the United Nations to stand by in self-defeating impotence. The continued presence of South Africa in Namibia constitutes an act of aggression against an international Territory under the authority of the United Nations. The legitimate question that arises now is how the

United Nations intends, in view of the gravity of the situation, to perform its obligations in this important matter which calls for energetic and urgent measures.

84. In Mozambique, Angola and Guinea (Bissau) the fascist Portuguese Government is waging a colonial war against the peoples of those Territories. Portugal, which is 24 times smaller than its African colonies and is one of the most backward countries in Europe, is able to maintain over 120,000 military personnel and to sustain an expensive war in Africa thanks to the complicity of and assistance from the Western Powers of the North Atlantic Treaty Organization, of which it is a mendicant member. The recent events caused by the barbaric act of aggression against the sovereignty of the Republic of Guinea, A Member State of our Organization, are further proof of this. Furthermore, these acts of lawlessness demonstrate unequivocally that the fascist Portuguese régime is becoming an increasing threat to the peace and security of the People of Africa and the world.

85. As to what action is now required to be taken against Portugal, my delegation made its position quite clear in the course of the debate which took place yesterday in the Security Council. I therefore need not go into any lengthy discussion on this matter. My country, which has offered the Government of Guinea military assistance should this be required, is now waiting to see what action the Security Council will take to discharge its duties under the Charter.

86. With its declared intention of resuming the sale of arms to South Africa, Great Britain is aggravating an already explosive situation in southern Africa in the face of protests from Africa and other peace-loving countries that are concerned about this serious state of affairs.

87. The fact that the Africans of those Territories, after having waited patiently and desperately for years for justice, have been obliged to resort to armed struggle as the only feasible line of action to liberate themselves from the violations of their dignity and manhood by the joint oppressives forces of the white minority régime is capable of precipitating a conflagration of racial war that will make the situation more grave and dangerous at the same time. Only an obtuse person would fail to foresee this serious danger.

88. We know too well that the major objectives of South Africa's foreign policy over the past decades have been to establish and maintain economic and political relations with the Western Powers, particularly with France, the United Kingdom and the United States, not only because of their importance as overseas markets and as sources of essential capital for its economy, but also in order to obtain arsenals of modern armaments in order to combat the national resistance movements. Therefore the decision of Great Britain to consider supplying war equipment and materials to the enemy of Africa, on whatever pretext, is an act of hostility to our continent and is a clear indication of the total disregard that the Conservative Government in London has for Africa's aspirations,

political stability and peaceful development. As a result Britain is, knowingly or otherwise, destroying whatever relationships there have been between that island and the African continent. The British Government, while it openly violates the United Nations decision on an arms embargo to South Africa, pretends that we believe that those arms are intended for external defence in the interests of the security of the ocean routes around the Cape, reportedly said to be threatened by the presence of some communist naval units on the high seas of the Indian Ocean.

89. This is a mountain of absurdity. Apart from the fact that there is no evidence of any immediate or distant threat to the sea routes of that Ocean, it seems extremely paradoxical that Britain should so stubbornly insist on defensive plans and arrangements with the nazist Government of South Africa. It is now quite obvious that such plans are aimed at creating a joint system of a military and strategic stronghold along the coast of the Indian Ocean.

90. This is a very dubious type of alliance because, with this *entente*, the British Government of the Conservative Party gives moral comfort and respectability, as well as material support, to the Government of the South African Nationalist Party of Prime Minister Vorster, an enemy of Great Britain in the Second World War, an unscrupulous politician who was sentenced by the British Government, to two years of imprisonment with hard labour for his criminal activities as the head of the "Ossewa Brandwag" nazi party in South Africa.

91. The imperialist economic interests of the United States, the United Kingdom, the Federal Republic of Germany and others, which are earning fabulous profits by exploiting the cheap labour force provided by the enslaved 14 million indigenous people, continue to constitute a main obstacle in the way of discharging the provisions of the Declaration on decolonization and play an important role both in support of the oppressive measures of Portugal and Southern Rhodesia's illegal régime against the national liberation movements and in sustaining *apartheid* in South Africa.

92. In an analysis of 31 major United States corporations operating in southern Africa, published last September, the Council on Economic Priorities—a United States non-profit research organization—shows the magnitude of the United States direct corporate investment in southern Africa. The study indicates that the present United States net capital investment in the Republic of South Africa alone is "now somewhat over \$750 million". The reports says:

"The white minority Government of South Africa is fully conscious of the political and social implications of an economic change in current *apartheid* practices. . . . The Vorster Government and the white people of South Africa are committed to *apartheid* and will not voluntarily disavow that policy."

It goes on to say:

“It is clear to even the most objective eye that United States corporate activity in southern Africa supports *apartheid* and other forms of minority domination by definition. Certainly these companies would not remain in operation in South Africa for very long if they did not abide by the established social and political order. However, no company producing goods and services in southern Africa today is decreasing its activities in the area. United States corporate activity is of increasing importance to southern African economy; the pattern is established.”

93. The Cabora Bassa hydroelectric scheme in the Portuguese colony of Mozambique, the most notorious example of Western imperialist financial involvement and economic activities, is another immoral and ruthless exploitation of the natural and human resources of the southern African region. Surely, such investments will strengthen and expand the political and military power of Portugal, South Africa and the white settlers of Southern Rhodesia. In that regard, we applaud the civilized decision of Sweden and Italy to withdraw all their financial involvement in the Cabora Bassa scheme.

94. Although the seriousness of the foreign economic involvement in this matter has been emphasized over and over again on various occasions, perhaps it is not too much to draw attention to a grave warning served by President Kaunda of Zambia, in April this year, to those countries that support Portuguese fascism in Africa, when he said:

“Angola and Mozambique shall be free. It is only a question of time. The Cabora Bassa hydroelectric scheme has not only economic aspects which Africa would rejoice to see realized in a free Mozambique, but it has now in the present circumstances sinister political and military implications emanating from South Africa. I am simply letting you face your responsibilities for I hereby declare that, for reasons I have explained to you, if Cabora Bassa is to be built it will only be built with bloodshed and we wish our Western Friends not to be part of such bloodshed.”

95. By giving absolute priority to the problems of southern Africa in the process of decolonization, my delegation does not have the intention of ignoring or neglecting the numerous other Territories still under colonial bondage. All these territories, regardless of their size and conditions, must be given the chance to exercise fully their right to self-determination.

96. On eof these Territories is French Somaliland. My Government has taken note that the present situa-

tion is one that raises hopes of co-operation between the French authorities and the people of that Territory. The destiny and future of French Somaliland is of vital interest to the Government and people of the Somali Democratic Republic. Such an interest arises from the ties of kinship, history, tradition and culture that bind the Somali people with their brothers in French Somaliland.

97. The people and the Government for which I speak express the hope that French Somaliland will be able to determine its future and destiny now that a better understanding prevails between the people of that Territory and the French authorities. We are confident that France will, in its traditional spirit of justice and freedom, give the people of French Somaliland the opportunity to exercise their right to self-determination.

98. The PRESIDENT: The name of the representative of Somalia was the only one inscribed on the list of speakers for this issue so far. May I take this opportunity of making an appeal to representatives to help to conclude this debate in the time we have reserved for it? Three days have been set aside for the debate on this question. If representatives do not inscribe their names on the list fairly soon and if they are not willing to fill the days we have reserved for this debate, then it will be quite impossible to terminate the session on the date which was planned. If representatives insist upon inscribing their names as the second, third or fourth but never as the first speaker at the meeting, it will be increasingly difficult to conclude this debate.

99. As far as we can see, it will be possible to terminate the session as planned on 15 December, but in order for that to be done every minute at our disposal must be used. That means that representatives who want to speak should do so as soon as possible. We should also use to the full all the time available at each meeting.

100. Without wishing to interfere in any way with the sovereign rights of Members, I should like to suggest that it has been known for some time that this item would be debated now and it should therefore have been possible for representatives wishing to speak to inscribe their names on the list. I would once again appeal to them to do so as soon as possible. If we do not use to the fullest extent all the time available to us, we shall not be able to conclude this session on the date formally decided upon by the Assembly: 15 December.

*The meeting rose at 12.20 p.m.*