

Mauritania,³⁸ in which the two countries acknowledged that they were both interested in the future of the Territory,

Having heard the statements of the representative of Algeria,³⁹

Having heard the statements of the representative of Spain,⁴⁰

Noting that during the discussion a legal difficulty arose over the status of the said Territory at the time of its colonization by Spain,

Considering, therefore, that it is highly desirable that the General Assembly, in order to continue the discussion of this question at its thirtieth session, should receive an advisory opinion on some important legal aspects of the problem,

Bearing in mind Article 96 of the Charter of the United Nations and Article 65 of the Statute of the International Court of Justice,

1. *Decides* to request the International Court of Justice, without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV), to give an advisory opinion at an early date on the following questions:

“I. Was Western Sahara (Río de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)?”

If the answer to the first question is in the negative,

“II. What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?”;

2. *Calls upon* Spain, in its capacity as administering Power in particular, as well as Morocco and Mauritania, in their capacity as interested parties, to submit to the International Court of Justice all such information and documents as may be needed to clarify those questions;

3. *Urges* the administering Power to postpone the referendum it contemplated holding in Western Sahara until the General Assembly decides on the policy to be followed in order to accelerate the decolonization process in the Territory, in accordance with resolution 1514 (XV), in the best possible conditions, in the light of the advisory opinion to be given by the International Court of Justice;

4. *Reiterates* its invitation to all States to observe the resolutions of the General Assembly regarding the activities of foreign economic and financial interests in the Territory and to abstain from contributing by their investments or immigration policy to the maintenance of a colonial situation in the Territory;

5. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territory under review, including the sending of a visiting mission to the Territory, and to report thereon to the General Assembly at its thirtieth session.

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13 December 1974

³⁸ *Ibid.*, 2117th and 2130th meetings.

³⁹ *Ibid.*, Plenary Meetings, 2265th meeting and *ibid.*, Fourth Committee, 2125th meeting.

⁴⁰ *Ibid.*, Plenary Meetings, 2253rd meeting and *ibid.*, Fourth Committee, 2117th, 2125th, 2126th and 2130th meetings.

3293 (XXIX). Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations

The General Assembly,

Recalling its resolution 1970 (XVIII) of 16 December 1963, in which it requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to study the information transmitted to the Secretary-General under Article 73 e of the Charter of the United Nations and to take such information fully into account in examining the situation with regard to the implementation of the Declaration,

Recalling also its resolution 3110 (XXVIII) of 12 December 1973, in which it requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970 (XVIII), in accordance with the procedures approved by the General Assembly in its resolution 2109 (XX) of 21 December 1965,

Recalling further the provisions of paragraph 5 of resolution 3110 (XXVIII), in which it requested the administering Powers concerned to transmit, or continue to transmit, to the Secretary-General the information prescribed in Article 73 e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned,

Having examined the chapter of the report of the Special Committee dealing with the transmittal of information under Article 73 e of the Charter⁴¹ and the action taken by it in respect of that information,

Having also examined the report of the Secretary-General on this item,⁴²

Noting with satisfaction that the Government of Portugal has reaffirmed its obligations with regard to Chapter XI of the Charter⁴³ and declared its intention to supply all the information requested under Article 73 e of the Charter, and to implement General Assembly resolution 1514 (XV) of 14 December 1960 and other relevant resolutions concerning the Territories under Portuguese administration,⁴⁴

1. *Approves* the chapter of 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 relating to the information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations;⁴¹

2. *Deeply deplores* that, despite, the repeated recommendations of the General Assembly and the Special Committee, some Member States having responsibilities for the administration of Non-Self-Governing Territories have ceased or have failed to transmit information under Article 73 e of the Charter, have

⁴¹ *Ibid.*, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), chap. XXIX.

⁴² A/9867 and Add.1.

⁴³ A/9694-S/11419, annex, para. 2. For the printed text, see *Official Records of the Security Council, Twenty-ninth Year, Supplement for July, August and September 1974*.

⁴⁴ See *Official Records of the Security Council, Twenty-ninth Year*, 1791st meeting; see also *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1)*, chap. XXIX, annex II.

transmitted insufficient information or have transmitted information too late for its effective utilization by the Special Committee;

3. *Reaffirms* that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter, the administering Power concerned should continue to transmit information under Article 73 *e* of the Charter with respect to that Territory;

4. *Requests* the administering Powers concerned to transmit, or continue to transmit, to the Secretary-General the information prescribed in Article 73 *e* of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned;

5. *Reiterates* its request that the administering Powers concerned transmit such information as early as possible and, at the latest, within a maximum period of six months following the expiration of the administrative year in the Non-Self-Governing Territories concerned;

6. *Requests* the Special Committee to continue to discharge the functions entrusted to it under General Assembly resolution 1970 (XVIII), in accordance with established procedures, and to report thereon to the Assembly at its thirtieth session.

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3294 (XXIX). Question of Territories under Portuguese domination

The General Assembly,

Having considered the question of Territories under Portuguese domination,

Having examined the relevant chapters of 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,⁴⁵

Having heard the statements made by the administering Power,⁴⁶ in particular the important statement made by the Head of State of Portugal on 17 October 1974,⁴⁷

Having heard the statements of the representatives of the Movimento de Libertação de São Tomé e Príncipe, the Frente Nacional para a Libertação de Angola, the Frente de Libertação de Moçambique, the Movimento Popular de Libertação de Angola and the Partido Africano da Independência de Guiné e Cabo Verde,⁴⁸ who participated in an observer capacity in the Fourth Committee's consideration of the item,

Taking into account the important statement made by the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity before the General Assembly on 9 October 1974, in which he referred to the present item,⁴⁹

⁴⁵ *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), chaps. IV-VII.*

⁴⁶ *Ibid.*, Twenty-ninth Session, Plenary Meetings, 2233rd, 2239th, 2269th and 2309th meetings and *ibid.*, Fourth Committee, 2080th and 2092nd meetings.

⁴⁷ *Ibid.*, Plenary Meetings, 2269th meeting.

⁴⁸ *Ibid.*, Fourth Committee, 2080th, 2081st, 2084th and 2088th meetings.

⁴⁹ *Ibid.*, Plenary Meetings, 2262nd meeting.

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and its resolution 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration, as well as all other resolutions relating to the item adopted by the General Assembly, the Security Council and the Special Committee,

Welcoming the declaration of the Government of Portugal accepting to fulfil its obligations under the relevant provisions of the Charter of the United Nations and recognizing the right of the peoples to self-determination and independence, as well as Portugal's express readiness to co-operate in the work of the competent United Nations bodies, as stated by the Government of Portugal in its declarations before the General Assembly on 23 September and 17 October 1974,⁵⁰

Cognizant that the changes in the policy of Portugal towards its colonial Territories were brought about mainly as a consequence of the heroic struggle and persistent resistance of the peoples of the Territories concerned, led by their national liberation movements, for the achievement of their independence and the restoration of their human rights,

Cognizant also that the action carried out in Portugal by the movement of 25 April 1974 represents a fundamental step in the process of decolonization occurring in the Territories,

Reiterating that only total decolonization will restore peace in the Territories,

Deeply concerned at the activities of the fascist and reactionary groups still in existence in Angola, Cape Verde and Mozambique, which are trying to obstruct the realization by the peoples of these Territories of their aspirations for freedom and independence and which are provoking racial confrontations that have resulted on several occasions in deplorable incidents causing death and injuries among the inhabitants,

Mindful of the responsibility of the United Nations to continue to render all moral and material aid to the peoples of the Territories under Portuguese domination and their national liberation movements recognized by the Organization of African Unity in their efforts to consolidate national unity and to reconstruct their countries,

1. *Reaffirms* the inalienable right of the peoples of the Territories under Portuguese domination to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV);

2. *Welcomes with satisfaction* the acceptance by the new Government of Portugal of the sacred principle of self-determination and independence and its unqualified applicability to all the peoples under Portuguese colonial domination;

3. *Notes with particular satisfaction* that, as a result of the consultations held between the Government of Portugal and the national liberation movements of the Territories concerned:

(a) Mozambique will accede to independence on 25 June 1975;⁵¹

⁵⁰ *Ibid.*, 2239th and 2269th meetings.

⁵¹ A/9769, annex I.