

Having heard the statement of the administering Power<sup>28</sup> as well as that of the representative of the Government of the Comoro Archipelago<sup>29</sup> to the effect that a popular consultation will be held in the Territory on 22 December 1974,

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 resolution 3161 (XXVIII) of 14 December 1973 on this question,

Noting that, in pursuance of the Joint Declaration on the Accession to Independence of the Comoro Archipelago, containing the text of an agreement reached on 15 June 1973 between the Minister for Overseas Departments and Territories of the Government of France and the President of the Governing Council of the Comoro Archipelago,<sup>30</sup> a popular consultation on independence is to take place on 22 December 1974 and bearing in mind the statement made on 26 August 1974 by the Government of France, according to which the consultation shall be organized on an "archipelago-wide" basis,<sup>31</sup>

Noting with regret that the administering Power did not participate in the related work 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,

Mindful of the responsibility of the United Nations to render all help to the people of the Comoro Archipelago in their efforts freely to decide their own future,

Bearing in mind the statement by the representative of France that the French Government has affirmed "the readiness of the Comoro Archipelago for independence" and "its intention to respond faithfully to the aspirations" of the Comorian people, and has stated that the Comorian Government can request independence for the Territory at any time,<sup>32</sup>

1. Reaffirms the inalienable right of the people of the Comoro Archipelago to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV);

2. 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 question of the Comoro Archipelago;<sup>33</sup>

3. Reaffirms the unity and territorial integrity of the Comoro Archipelago;

<sup>28</sup> See *Official Records of the General Assembly, Twenty-ninth Session, Fourth Committee*, 2124th meeting.

<sup>29</sup> *Ibid.*, 2128th meeting.

<sup>30</sup> *Ibid.*, *Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1)*, chap. XI, annex, appendix II.

<sup>31</sup> *Ibid.*, *Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1)*, chap. XI, annex, para. 32.

<sup>32</sup> *Ibid.*, *Twenty-eighth Session, Fourth Committee*, 2064th meeting, paras. 22 and 27.

<sup>33</sup> *Ibid.*, *Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1)*, chap. XI.

4. Notes the express desire and readiness of the Comorian people to accede to independence in friendship and co-operation with France;<sup>34</sup>

5. Requests the Government of France, as the administering Power, to ensure that the unity and territorial integrity of the Comoro Archipelago are preserved;

6. Calls upon the administering Power to take all necessary measures to ensure the full and speedy attainment of freedom and independence by the people of the Territory in accordance with the objectives of the Declaration and in conformity with the relevant provisions of the Charter of the United Nations and, in particular, to carry out these measures as soon as possible after the popular consultation to be held on 22 December 1974;

7. Requests all States to render the necessary assistance to the people of the Territory in their efforts to achieve the objectives of the Declaration;

8. Requests the Special Committee to continue its examination of the question, including the dispatch, as appropriate and in consultation with the administering Power, of a United Nations visiting mission to the Territory, and to report thereon to the General Assembly at its thirtieth session;

9. Urges the administering Power to co-operate with the Special Committee in the discharge of the task referred to in paragraph 8 above.

2318th plenary meeting  
13 December 1974

### 3292 (XXIX). Question of Spanish Sahara

The General Assembly,

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolutions 2072 (XX) of 16 December 1965, 2229 (XXI) of 20 December 1966, 2354 (XXII) of 19 December 1967, 2428 (XXIII) of 18 December 1968, 2591 (XXIV) of 16 December 1969, 2711 (XXV) of 14 December 1970, 2983 (XXVII) of 14 December 1972 and 3162 (XXVIII) of 14 December 1973,

Reaffirming the right of the population of the Spanish Sahara to self-determination in accordance with resolution 1514 (XV),

Considering that the persistence of a colonial situation in Western Sahara jeopardizes stability and harmony in the north-west African region,

Taking into account the statements made in the General Assembly on 30 September and 2 October 1974 by the Ministers for Foreign Affairs of the Kingdom of Morocco<sup>35</sup> and of the Islamic Republic of Mauritania,<sup>36</sup>

Taking note of the statements made in the Fourth Committee by the representatives of Morocco<sup>37</sup> and

<sup>34</sup> *Ibid.*, *Twenty-eighth Session, Fourth Committee*, 2065th meeting, para. 10, and *ibid.*, *Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1)*, chap. XI, annex, appendix I.

<sup>35</sup> *Ibid.*, *Twenty-ninth Session, Plenary Meetings*, 2249th meeting.

<sup>36</sup> *Ibid.*, 2251st meeting.

<sup>37</sup> *Ibid.*, *Fourth Committee*, 2117th, 2125th and 2130th meetings.

Mauritania,<sup>38</sup> 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,<sup>39</sup>

*Having heard* the statements of the representative of Spain,<sup>40</sup>

*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.

2318th plenary meeting  
13 December 1974

<sup>38</sup> *Ibid.*, 2117th and 2130th meetings.

<sup>39</sup> *Ibid.*, Plenary Meetings, 2265th meeting and *ibid.*, Fourth Committee, 2125th meeting.

<sup>40</sup> *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 Charter<sup>41</sup> and the action taken by it in respect of that information,

*Having also examined* the report of the Secretary-General on this item,<sup>42</sup>

*Noting with satisfaction* that the Government of Portugal has reaffirmed its obligations with regard to Chapter XI of the Charter<sup>43</sup> 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,<sup>44</sup>

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;<sup>41</sup>

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

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

<sup>42</sup> A/9867 and Add.1.

<sup>43</sup> 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*.

<sup>44</sup> 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.