

**REPRESENTATION OF SOUTHERN AFRICAN NATIONAL
LIBERATION MOVEMENTS AT THE UNITED NATIONS, 1962-1975**

by

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DECLARATON

I SEANE MABITSELA declare that this thesis “REPRESENTATION OF SOUTHERN AFRICAN NATIONAL LIBERATION MOVEMENTS AT THE UNITED NATIONS (UN), 1962-1975” is my own original work. Where other people’s work has been used, (either from a printed source, the Internet, or any other source), this has been properly acknowledged and referenced in accordance with faculty requirements. I also hereby certify that the work presented in this document has not been submitted, either in whole or in part, for any other degree in this University or other institutions of higher learning.

Seane Mabitsela



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DEDICATION

I dedicate this thesis to my late father and mother Masellane and Leseilane Mabitsela, who never lived long enough to witness this milestone; and to my late fiancé, Lucky Mabitsela, who constantly carried the light of joy for me and our daughter (Renarefentse) and ensured that we overcome whatever circumstances encountered.

LIST OF ACRONYMS/DEFINITIONS/ABBREVIATIONS

ANC	African National Congress
ANCZ	African National Congress Zimbabwe
APES	Academic Professional Editing Services
COREMO	Revolutionary Committee of Mozambique
DRC	Democratic Republic of the Congo
ECA	Economic Commission for Africa
ECOSOC	Economic and Social Council
FAO	Food and Agricultural Organisation
FNLA	National Front for the Liberation of Angola
FOFATUSA	Federation of Free Trade Unions of South Africa
FRELIMO	National Front for the Liberation of Mozambique
GA	General Assembly
GRAE	Revolutionary Government of Angola in Exile
IACW	International American Commission on Women
IADB	Inter-America Development Bank
IBRD	International Bank for Reconstruction and Development
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
ILC	International Law Commission
ILO	International Labour Organisation
IMCO	Inter-governmental Consultative Organisation
IMF	International Monetary Fund
MLGP	Movement for the Liberation of Portuguese Guinea
MONLIGO	National Liberation Movement for the Liberation of the Comoro
MPLA	Popular Movement for the Liberation of Angola
NATO	North Atlantic Treaty Organisation
OAU	Organisation of African Unity
OLA	Office of Legal Affairs

OPEC	Organisation of Petroleum Exporting Countries
PAC	Pan Africanist Congress
PAIGC	African Party for the Independence of Guinea and Cape Verde
PLO	Palestinian Liberation Organisation
PRC	People's Republic of China
RSA	Republic of South Africa
SC	Security Council
SUP	Seychelles United Party
SWANLIF	South West Africa Liberation
SWANU	South West African National Union
SWAPO	South West Africa People's Organisation
TRC	Truth and Reconciliation
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Emergency Fund
USSR	Union of Soviet Socialist Republic
WHO	World Health Organisation
ZANU	Zimbabwean African National Union
ZAPU	Zimbabwean African People's Union

ABSTRACT

This thesis examines the representation of Southern African national liberation movements at the United Nations (UN) from 1962 to 1975. The thesis discusses the UN practice for their representation; UN reaction and response to their representation over time; Organisation of African Unity (OAU) in their representation and the effects for their representation. The thesis reveals that initially, there were no explicit provisions or pertinent rules of procedure for national liberation movements' representation at the UN. The UN General Assembly (GA), however, crafted a practice whereby it invited through and in consultation with the OAU, representatives of the national liberation movements to take part in an observer capacity in its main committees and organs' proceedings and deliberations. It also reveals that the UN reacted and responded to the movements' representation by explicitly acknowledging their role in the decolonisation process. The thesis, further, reveals that this role was expressed through GA decisions that offered international aid and support to the movements; and inviting their representatives to take part in conferences held under UN auspices. Based on extensive review of primary and secondary data sources, this thesis concludes that representation of national liberation movements at the UN held effects for politics, law, and relations. As in so much else, representation of the national liberation movements on the international political plane will remain to be one of the hot topics and the one which offers a meeting point for the fields of politics, law, and international relations. This meeting point emerged in 1962 when the UN GA decided to implement or apply the 1960 Declaration on Decolonisation/Impendence. By 1975, a precedent and a major change were established as far as the representation of Southern Africa national liberation movements at the UN was concerned.

Key terms: Decolonisation, National liberation movements, Organisation of African Unity, Representation, Southern Africa, United Nations.

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CHAPTER 1

1.1 Introduction and Background to the Study

The representation of revolutionary or liberation movements in international organisations of a universal character such as the United Nations (UN), strengthens cooperation. Southern African national liberation movements' representation at the UN from 1962 to 1975 is an issue that calls for a scholarly analysis. The year 1962 is significant because it coincided with the UN Special Committee of 24¹' start of the implementation of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples (Declaration on Decolonisation)². Specifically, in February 1962, the UN Special Committee decided to hear petitioners from colonial territories, including those in Africa. Most of these petitioners would come from members of the national liberation movements of those territories. The year 1975 is significant because it specifically marked a start of independence and freedom for the people of Angola and Mozambique, followed by Zimbabwe in 1980; Namibia in 1990; and South Africa in 1994.³

Contextually, Southern African national liberation movements refer to the dominant and competitive movements from non-self-governing or non-dependent territories in Africa, as defined in the UN Charter.⁴ The non-self-governing territories included: Angola; Namibia; Zimbabwe; Mozambique amongst others, in Africa. The national liberation movements from such territories included, amongst others: the

¹Initially composed of 17 members, the UN Special Committee of 24 was set up in terms of the General Assembly Resolution 1624 (XVI) of 23 November 1961 to oversee the application of the Declaration on Decolonization. Its membership was later increased to twenty-four hence the name UN Special Committee of 24.

²Adopted as the General Assembly Resolution 1514 (XV) on 14 November 1960, this Declaration recognised the passionate yearn for freedom in all dependent peoples and their decisive role in reaching independence. In, *Yearbook of the United Nations*, New York, 1960, p.46

³Z Mbandlwa, "The Rise and Fall of the Liberation Movements in Africa", *Migrant Letters*, Volume 20, No.3, 2023, p.10.

⁴Charter of the United Nations and the Status of the International Court of Justice, San Francisco, 1945, Available: <https://treaties.un.org>

Front for the Liberation of Mozambique (FRELIMO); South West Africa People's Organisation (SWAPO); Zimbabwean African People's Union (ZAPU) and Zimbabwe African National Union (ZANU); African National Congress (ANC) and Pan Africanist Congress (PAC) of South Africa; Popular Movement for the Liberation of Angola (MPLA) and the National Front for the Liberation of Angola (FNLA). Together, these liberation movements were recognised by the Organisation of African Unity (OAU)⁵ as the authentic representatives of the peoples in colonial territories.⁶

Recognition by OAU of the liberation movements was one of the Organisation's diplomatic weapons for their support and assistance at the global level.⁷ But the OAU's major diplomatic actions would be carried out by the African Group at the UN. Comprised of the permanent representatives of all the 54 African Union member state, the Group was created in 1963 at the behest of the OAU to promote African interests at the UN.⁸

⁵ The OAU was formed by the Heads of African States and Governments assembled in the City of Addis Ababa, Ethiopia on 25 May 1963. One of the main heads for OAU's establishment was Kwame Nkrumah. It was disbanded on 9 July 2002 and replaced by the African Union (AU).

⁶ In, AJ Temu, et.al, (eds.), *Southern African Liberation Struggles, Contemporaneous Documents, 1960-1994*, SADC Hashim Mbita Project, Volume 7, Frontline States (continued) & Extension Countries, Mkuki na Nyota, Dar es Salaam, Tanzania, 2014, pp.16-17.

⁷ I Boavida, et.al, *The Emperor of Ethiopia in Lusoland: Haile Selassie's state visit to Portugal in 1959 and the Birth of the OAU*, Centro de Estudos Africanos, Portugal, 2010, p.41.

⁸ M Paterson and K Virk, "The African Group at the United Nations", Centre for Conflict Resolution, 2013, Available: <https://www.jstor.org/stable/resrep05138.8>

Figure1: Map showing countries being discussed.



Source: <https://www.researchgate.net>

In 1962, when the UN started to consider territories in Africa for speeding up the decolonisation process, members of the national liberation movements were working as ‘petitioners’ or ‘private individuals’⁹ within its system. In 1972, the UN General Assembly (GA) authorized its committees to associate the liberation movements recognised by OAU with the Assembly’s work. The association of the movements with the work of the Assembly was conducted in consultation with OAU because pressured it to recognise movements fighting against colonial domination, alien occupation and racist regimes on behalf of their people’s right to self-determination.¹⁰ In accordance with this decision, the ANC and PAC, two relevant movements from South Africa were invited to participate in the GA Special Political Committee’s debates on the policies of apartheid of the Government of South Africa

⁹ M Shaw, “The international status of national liberation movements”, *Liverpool Law Rev* 5, 1983, p.24.

¹⁰ W P Esterhuysen, “The International Political Status of the African National Congress”, *Africa Insight*, Volume 19, No.1, 1989, pp.29-30.

in the capacity of observer.¹¹ The Special Political Committee also recommended that the GA make the necessary financial provision to enable the representatives of those movements to do so.¹²

Although the GA had endorsed the decision of its main committees relating to the representation of the national liberation movements in their proceedings, attempts to persuade a declaration before it by Amilcar Cabral, leader of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) movement in Guinea-Bissau failed.¹³ It must be stressed that Guinea-Bissau (West Africa) is not in Southern Africa countries. It is mentioned here because the national liberation movements from there had a connection with those in Angola and Mozambique, and that it was a Portuguese administered territory.

Cabral's declaration had been communicated to the Assembly on 8 January 1973¹⁴, before his death on 20 January¹⁵ the same year. Further tries in that regard were rendered futile by the April 1974 coup in Portugal. This coup threatened the viability of the citadels of white power in Southern Africa and signalled the eminence of full independence for Mozambique and Angola.¹⁶

In a dramatic move, however, the GA invited Palestinian Liberation Organization (PLO) leader, Yasser Arafat to deliver a speech in November 1974. An extract of his speech read: "great numbers of peoples, including those of Zimbabwe, Namibia, South Africa and Palestine, among many others, were still victims of

¹¹ "Policies of Apartheid of the Government of South Africa," *Report of the Special Political Committee, United Nations General Assembly Twenty-Ninth Session, Agenda Item 37, A/9774*, 26 September 1974, p.1.

¹² *Ibid.*

¹³ M Shaw, "The International Status of the National Liberation Movements," *Liverpool Law Review*, Volume 1, 1983, p.24.

¹⁴ "Seventh and Eighth Reports of the General Committee (A/9200/AA.6 and 7)", *Agenda Item 8, United Nations General Assembly, Twenty-Eighth Session, 2161st Plenary Meeting, October 1973*, p.8.

¹⁵ G Houser & LW Henderson, "In Memory of Amilcar Cabral: Statements," *Africa Today*, Volume 20, No.1, Winter 1973, p.1.

¹⁶ Conflicts: Southern Africa", *Strategic Survey*, Volume 75, Issue 1, 1974, January 1974, p.69.

oppression and violence; and that it was imperative that the international community should support those peoples in their struggles, in the furtherance of their rightful causes and the attainment of their right to self-determination”.¹⁷ Arafat’s speech was interrupted nine times by applause. However, when he finished a large audience of the GA gave him a standing ovation that lasted for two minutes.¹⁸

Based on Arafat’s speech, the Assembly, in an analogous but more far-reaching move adopted a resolution 3236 (XXIX) inviting the PLO to participate in its sessions and, in the same capacity, in international conferences organised under the auspices of the UN.¹⁹ The difference between the PLO and African liberation movements related to representation in areas not related to their respective countries. The PLO’s representation was a mark of the political influence that could be mobilized on behalf of the organisation, particularly within the UN.²⁰

Although differences existed between the representation of African liberation movements and the PLO in committees and organs of the UN, a precedent and a major change appeared to have been established concerning the status of the liberation movements in global affairs.

1.2 Problem Statement

National liberation movements are a colossal theme in African history. Yet, despite huge amount of written work on the subject, there is surprisingly lack of extensive and detailed research on regional national liberation movements as a single entity in the UN. This thesis examines the representation of Southern African national

¹⁷ “Speech by Yasser Arafat to the UN General Assembly in New York, 13 November 1974” Document Section, Available at: <https://al-bab.com>

¹⁸ P. Hoffman “Dramatic Session,” *The New York Times*, 14 November 1974, pp.22-23.

¹⁹“Agenda Item 108: Question of Palestine”, United Nations General Assembly Official Records, Twenty-Ninth Session, 2282nd Plenary Meeting, New York, 13 November 1974, United Nations Information System on the Question of Palestine, Available at: <https://unispal.un.org>

²⁰ M Shaw, “The International Status of the National Liberation Movements,” *Liverpool Law Review*, Volume 1, 1983, p.24.

liberation movements at the UN from 1962 to 1975. It explores the practice for representation of the national liberation movements at the UN; UN reaction and response on their representation over time; role of the OAU on the movements' representation at the UN; as well as the effects for the representation of the movements at the UN. These are some of the aspects that have not been scholarly scrutinized and analysed in existing literature on the subject. Scrutinizing and analysing them is important because it exposes the national liberation movements' role in helping and supporting the international political plane to speed up the process of decolonisation in general.

1.3 Aim

The overarching aim of this thesis is to analyse the representation of Southern African national liberation movements at the UN, from 1962 to 1975.

1.4 Objectives

The goals of this study are:

- i) To examine the practice for representation of the national liberation movements' representation at the UN.
- ii) To show how the UN reacted and responded to the national liberation movements' representation between 1962 and 1974.
- iii) To show how the OAU contributed towards national liberation movements' representation at the UN.
- iv) To describe the effects for national liberation movements' representation at the UN.

Specifically, this study answers the following questions:

- i) What was the practice for representation of national liberation movements at the UN?
- ii) How did the UN react and respond to the representation of the national liberation movements between 1962 and 1975?
- iii) What was the role OAU in the representation of national liberation movements at the UN?
- iv) What were the effects for representation of national liberation movements at the UN?

1.5 Significance of the study

The study contributes broadly to understanding the battles fought by Southern African national liberation movements at the diplomatic level and their role in decolonisation. Hence, it makes a significant contribution to African history, stimulating further research interest in the subject and future publications. It is also hoped that this study will be of value to scholars interested not only with the history of the national liberation movements generally, but with the evolution of UN as a guardian of the people's legitimate rights to independence, self-determination and freedom; and that the future volumes and monographs will sustain the momentum and contribute to a growing field of inquiry that can only increase in importance: the dialectics of globalisation.

1.6 Focus and period of study

Southern African national liberation movements are the focus of this study. The period covered by this study is 1962 to 1975. It is also vital to state why research the subject of Southern African national liberation movements. Research on national liberation movements abounds, but most writers and scholars have focused their

attention on individual national liberation movements' relationship with the UN. Despite these proliferations, historical research, and incisive analysis of liberation movements of the region, particularly their activities as a single entity at the international level during the clandestine period of their existence, are sparse and insufficient. While several historians and political scientists have researched liberation movements, few of them have focused their attention on the liberation movements of the Southern African region as a single entity's involvement with the UN.

E.S. Reddy²¹ and A.A.E. Santos²² are among the few scholars and writers that focus their attention on individual liberation movements' relationship with the UN. For example, Santos discusses political developments in the Portuguese-administered territories from 1961 until 1974 when the UN Special Committee on Decolonisation or Independence turned its attention to the national liberation movements considering the Portuguese Government's non-recognition of the legitimacy of the Committee. He also examines the issue by looking at how and why the Special Committee's establishment stood for a stage in which the national liberation movements developed a diplomatic struggle against the Portuguese colonial dominion. Santos further discusses the issue by looking at circumstances around 1970, when the national liberation movements of Portuguese colonies—the FNLA; MPLA; PAIGC; and FRELIMO became more actively engaged in the Decolonisation Committee's session.

On the other hand, Reddy discusses the relationship between the UN and the ANC. This starts in 1946 when the ANC appealed to the world community for solidarity about the treatment of Indians by the apartheid Government of South Africa. The study also points out that in 1952, when the ANC and the South African Indian Congress (SAIC) launched the Campaign of Defiance against Unjust Laws, the UN began

²¹ ES Reddy, *United Nations and African National Congress: Partners in the Struggle against Apartheid*, New York, 2012.

²² AAE Santos, "The Role of the Decolonisation Committee of the United Nations Organisations in the Struggle against Portuguese Colonialism in Africa: 1961-1974, *Journal of Pan Africanist Studies*, Volume 4, No.10, January 2012.

consideration of the problem of apartheid and its repercussions for peace. Reddy also discusses cooperation between the UN and the ANC from 1946 up to the election of a democratic government in South Africa in 1994. Accordingly, this cooperation deserved an understanding of the potential and limitations of the UN and of the role of international solidarity in helping peoples struggling against oppression.

By contrast, the present study shows how the seed of representation of the national liberation movements of the Southern African region germinated in international institutions, particularly at the UN. Santos and Reddy's research does not address the activities of the national liberation movements of the region as a single entity in the UN. Their studies tend to address mainly the relationship of national liberation movements from the Portuguese-administered territories (Angola, Guinea-Bissau, and Mozambique), and South Africa with the world body, particularly the GA' Special Committee on Decolonisation or Independence; and the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (RSA).

This study explores the strategies employed by national liberation movements of the region as a single entity, for mobilization of aid and support for their struggles at the diplomatic level. The way the movements' battles were fought at the diplomatic level and the international community's feelings towards them, especially the administering powers are some of the aspects that have not been scrutinized and analysed. Scrutinizing and analysing these aspects is important because it exposes the national liberation movements' role in helping and supporting the international political plane to speed up the process of decolonisation in general.

1.6 Conceptual Definitions

A National Liberation Movement

Scholars have defined the concept of a 'national liberation movement' from different perspectives. For example, Trevona Hettiarachchi²³ referred to a national liberation movement as an entity that possess the public and representative capacities, and that articulate and act for the relevant people in domestic and international affairs. S. Amin²⁴, defined a national liberation movement as an entity that is constituted by diverse socio-political bodies which share the aim of setting up an independent state for what they consider their nation within the border of a territory recognised by the international community. These definitions are problematic because they focus narrowly on the composition and goals of a national liberation movement, ignoring and or leaving out important aspects such as reasons for their emergence. The rightest definition for this research study is offered by Archibald Robertson.²⁵ Roberson's definition is right because it captures in general terms, conditions under which a movement appear and its reaction to those conditions. According to him, national liberation movement is as a political process involving whatever means dictated by the prevailing situation to take the economic, political, and social control of a country out of the hands of a foreign power and place it under the rule of some of the population within that country. So, for instance, a national liberation movement is a nation-nation contest in which whole populations of those nations are in opposition to each other. A national liberation movement is thus a response to imperialism or a colonial system wherein one nation controls and monopolizes the material resources of a country.²⁶

²³ H Trevona, "Self-Determination, National Liberation Movements and the Use of Force," *Durham Theses*, Durham University, 2007, p.25.

²⁴ S Amin, "National Liberation Movements," *Third World Forum*, Dakar, Senegal, 2015, p.241.

²⁵A Roberson, "National Liberation Movements and the Question of Socialism: Marxism and Christianity," *Science Class and Politics, Quarterly Journal of Marxist-Leninist League*, Number 26, Winter, 1984.

²⁶ *Ibid*, p.4.

1.7 Literature review

Although literature on the national liberation movements abounds, little has been written on the representation of Southern African national liberation movements as a single entity at the UN. This gap reflects ‘different perspectives’ and ‘shifting interests’ on the part of recent scholars on the issue. The different perspectives on the subject have been facilitated partly by the establishment of new specialist journals and the availability of the records on the subject in the preceding years²⁷; while the shifting interests have been facilitated partly by historical topics emanating from the secondary sources suiting the writers’ views, especially their conversance with prominent historiographical debates of their own time.²⁸ In view of the above, this study enters the discussion within the framework of different perspectives and shifting interests on the subject in order to analyse the representation of Southern African national liberation at the UN from 1962 to 1975.

While much has been written on national liberation movements few monographs have been published about the movements during the 1960s, 1970s, 1980s and 1990s, by historians, commentators, and political scientists. This trend, however changed in the 2000s assumedly because an increasing interest of scholars writing on the subject. Some of the studies on the subject of liberation movements include those of Collin Legum’s *Guerrilla Warfare and African National Liberation Movements*²⁹ and George M. Houser of the American Committee on Africa (ACOA)’s *African Liberation Movements: Report on a Trip to Africa*.³⁰ Published in 1967, relying

²⁷ For details on comments relating to availability of records on national liberation movements of the region, see for example, C Saunders (ed.), “Documenting Liberation Struggles in Southern Africa,” *Select Papers from the Nordic Africa Documentation Project Workshop*, 26–27 November 2009, Pretoria, South Africa, p.6.

²⁸ See DA Cowgill & SM Waring, “Historical Thinking: An Evaluation of Student and Teacher Ability to Analyse Sources”, *Journal of Social Studies Education Research*, Volume 8, No.1, 2017, pp.116-118.

²⁹ C Legum, “Guerilla Warfare and African National Liberation Movements”, *Africa Today*, Volume 14, No.4, Indian University Press, August 1967.

³⁰ G.M Houser, “African Liberation Movements: Report on a Trip to Africa,” *Africa Today*, Volume 14, No.4, August 1967.

on his own experiences, as an African Correspondent for *The Observer*³¹, Legum focuses on when the OAU decided to take effective and collective initiative to support and aid the movements, starting with ZAPU and ZANU (Zimbabwe); MPLA and [Union for the Total Independence of Angola [UNITA] (Angola); FRELIMO (Mozambique); SWAPO (South West Africa/Namibia); and the ANC and PAC (South Africa). In addition, he outlined the reasons why the OAU Liberation Committee found it difficult to unite the national liberation movements in African territories.

Houser's work relied on the observations of the trip he undertook to Africa during the same year. Houser detailed on the main centres of liberation movements, focussing on Dar es Salaam and Lusaka, where all the movements had offices apart from GRAE which had headquarters in Kinshasa, the Democratic Republic of the Congo (DRC). He also explained why Dar es Salaam and Lusaka were chosen as centres for the liberation movements, and why the FRELIMO had its base of operation in Tanzania; and why the latter's government supported it. In addition, Houser answered as to why the UNITA kept a separate office there; and as to why the ZAPU had office inside and outside Tanzania city centre. Further, he answered on what the efforts of the FRELIMO; ANC and PAC (South Africa); ZAPU and ZANU (Zimbabwe); and SWAPO were, with regard to the objectives of their struggles; as well as, how movements such as the COREMO and FRELIMO (Mozambique); the Revolutionary Government of Angola in Exile (GRAE), UNITA and the MPLA (Angola) increased their fighting and how they associated with one another.

In 1970, the *Présence Africaine*³² published a speech delivered by Marcelino dos Santos, the Vice-President of FRELIMO on behalf of national liberation movements at the Seventh Ordinary Assembly of the Conference of Heads of State

³¹ First published in 1791, *The Observer* is a British newspaper published on Sundays. It is a sister paper to *The Guardian* and *The Guardian Weekly*, whose parent company Guardian Media Group Limited acquired it in 1993.

³² *Présence Africaine* is a pan-African quarterly cultural, political, and literary magazine, published in Paris, France, and founded by Alioune Diop in 1947. Highly influenced by the Pan Africanist Movement and the Negritude Movement, *Présence Africaine* expanded in 1949, to include a publishing house and a bookstore on rue des Écoles in the Latin Quarter of Paris.

and Government (OAU), Addis Ababa. Entitled: *Liberation Movements and African States*³³, Dos Santos' speech answered how the Zambian President, Kenneth Kaunda supported the liberation movements and why he had taken that initiative at the international level on their behalf, and why he should be hailed to the presidency of that assembly in presiding over that Seventh Assembly of the Heads of State and Government of the OAU, which also made them feel as though they (liberation movements), were also presiding. Dos Santos' speech also explained how the action carried out by FRELIMO; MPLA; PAIGC; ANC (South Africa); ZAPU (Zimbabwe) and SWAPO (Namibia), amongst others, had restored the historic initiative to the people (struggle)—which had attained a level and dimension which constituted a vital contribution towards the liberation of the continent. Further, it detailed why the Rome Conference was an occasion for all progressive and democratic forces in the world to declare, amongst other things, its total support for FRELIMO, MPLA and PAIGC which had effectively excised power in their countries; and why in giving an audience to representatives of those movements, Pope Paul VI unquestionably took cognizance of the fact that the three movements were respectively the legitimate representatives of the people and their territories.

In 1972, R.Gibson, an American sociologist and associate professor of sociology at the University of Notre Dame published a book entitled: *African Liberation Movements - Contemporary Struggles Against White Minority Rule*³⁴ Gibson's study detailed on the history of African resistance to white rule, the development of national struggles, including reformist and terrorist efforts in countries throughout Africa; why the national liberation movements in each country had setbacks, deficiencies and factionalism; why the movements were against colonial and other direct forms of white minority rule; as well as how Karl Marx and Frederick Engels' 'Communist Manifesto' influenced the liberation in south Africa (Azania) South

³³ M Dos Santos, "Liberation Movements and African States," *Présence Africaine*, Nouvelle Série, No. 75, 3e Trimestre, Présence Africaine Editions 1970.

³⁴ R. Gibson, *African Liberation Movements - Contemporary Struggles Against White Minority Rule*, Oxford University Press, 1972.

West Africa (Namibia), Rhodesia, Angola, Guinea, and the Cape Verde, among other countries. Gibson's work also includes a bibliography, indexes, and tables of major liberation *movements* and conferences which discussed liberation questions.

Also, in 1972, Pressy Nesbitt, an American educator, activist, and speaker on Africa, foreign policy, and racism published an article entitled: *Towards Understanding National Liberation Movements: Contributions and Otherwise*.³⁵ Nesbitt presented the history of the struggle of African national liberation movements, as evidenced by events such as the FRELIMO of Mozambique's opening of a new combat zone in Manica e Sofala province. Also, he showed how confusing was the story of African National Liberation Movements, since it often had anti-Soviet, anti-South African Communist Party, anti-white, anti-mestizo, and anti-Black communist vendettas. Nesbitt, further, answered how that vulgarised the serious debate in the African and Afro-American worlds between 'nationalists' and 'internationalists,' between those standing for bourgeois capitalism and those struggling a socialist society, and the questions which had seriously and prolongedly engaged the developing countries of that century. In addition, he answered what the basic argument of African national liberation movements—the PAIGC, MPLA, ANC, SWAPO and ZAPU was, especially the overrated support they got from OAU Liberation Committee. Moreover, Nesbitt outlined the reasons why those liberation movements were over-rated; and answered why and extent to which the Soviet Union and various Soviet related communist organisations supported them expended great amounts of energy and funds propagandising their non-achievements; why there were various flaws and inadequacies in African national liberation movements, as well as why examining the liberation movements could not be done without considering their programs.

Further, during the same year, Catherine Coguery-Vidrovitch of the United Nations Institute for African Development and Planning, in Dakar, Senegal, published

³⁵ P Nesbitt, "Towards Understanding National Liberation Movements: Contributions and Otherwise", *Africa Today*, Volume 19, No. 4, Autumn, 1972.

a study entitled: *National Liberation Movements and Decolonisation in Africa South of the Sahara*.³⁶ Although, she first started by answering on the emergence of African nationalist movements, Catherine focused her attention on liberation movements in Zimbabwe and South Africa looking at how the ANC failed to curb the strength of white racism; and how the ZAPU broke into two (later formation of the ZANU); as well as how the political oppositions—FRELIMO and the MPLA in the Portuguese administered territories managed to reorganise after 1964 in preparation for the armed uprising in Angola and Mozambique.

In 1976, Patrick J. Travers, Senior Political Affairs Officer at the Permanent Mission of Canada to the UN and formerly a Lecturer in Politics at Pembroke College, University of Oxford, published an article: *Legal Effect of United Nations Action in Support of the Palestine Liberation Organization and the National Liberation Movements of Africa*.³⁷ In his analysis which dealt with the UN activities in support of African liberation and the PLO, Travers gave special attention to the GA resolutions which provided most comprehensive and abundant evidence of international custom with respect to the African liberation movements and the PLO—resolutions which had been reinforced and implemented by actions of the Security Council (SC), the Economic and Social Council (ECOSOC) and other agencies associated with the UN. He, also, analysed the resolutions embodied the basic principles which lied at the foundation of all activity of the Assembly and other UN organs in support of the national liberation movements. Further, he analysed resolutions on cooperation between the UN and the OAU according to which the GA decided to invite as observers, representatives of the national liberation movements to take part in the work of its Main committees and subsidiary organs.

³⁶ C Coguery-Vidrovitch, *National Liberation Movements and Decolonisation in Africa South of the Sahara*, United Nations Institute for African Development and Planning, in Dakar, Senegal, December 1972.

³⁷ PJ Travers, “Legal Effect of United Nations Action in Support of the Palestine Liberation Organization and the National Liberation Movements of Africa”, *Harvard International Law Journal*, Volume 561, 1976.

In another article also published in 1976³⁸, Eugene Perkins analysed the subject focussing his attention on combat and poetry of liberation movements. He answered how poetry instilled political consciousness that was directed at the masses to give them inspiration and courage to carry on their struggle against oppression—thereby using political poetry to portray the struggles of the African liberation movements, vividly embracing the ideological forces behind them and describing the peoples' commitments to win their freedom. Perkins (1976) further explained how poetry was used to chronicle the story of Mozambican revolution giving the liberation movements. Moreover, he also showed how the traditional literary expression to revolutionary pronouncements of the liberation movements changed and how that shift should not be taken as a great surprise. According to him, that was illustrated by other liberation movements in the Portuguese administered territories, such as the MPLA and PAIGC. For example, leaders of those movements such as Amilcar Cabral, Eduardo Mondlane, Marcelino Dos Santos and Agostinho Neto had also gained recognition as poets.

In 1981, A. Hastings, a reader in Religious Studies at Aberdeen University, published *The Christian Churches and Liberation Movements in Southern Africa*.³⁹ Relying on his earlier writings on African Christianity, Hastings answered when did the ANC (South Africa) begin to have a relationship with the wings of the Christian missions; and how institutions of higher learning such as Fort Hare and the Scottish missionaries became influential in the political life of their students, e.g. Robert Mugabe (later President of Zimbabwe); as well as why some members of the national liberation movements in Zimbabwe, Mozambique and Angola in the 1960s, and SWAPO in Namibia in the 1970s, associated themselves with the Christian churches.

³⁸ E Perkins, "Literature of Combat: Poetry of African Liberation Movements," *The Journal of Black Studies*, Volume. 7, No. 2, December 1976.

³⁹ A Hastings, "The Christian Churches and Liberation Movements in Southern Africa", *African Affairs*, Volume 20, No.1, Winter 1973.

Also, during the same year, E.K. Mashingaidze published a book chapter entitled: *The Role of Liberation movements in the Struggle for Southern Africa, 1955 – 1977*.⁴⁰ Mashingaidze answered when the national liberation movements in South Africa, Rhodesia (Zimbabwe), Angola and Mozambique realised that the white minority regimes had decided to set their faces firmly against democratic and peaceful change. He further, answered why the liberation movements, by end of the 1960s, were by far the most important forces in the struggles for Angola, Mozambique, Zimbabwe, Namibia, and South Africa; and how those movements differed from the old nationalist organisations in their respective countries. The old nationalist organisations refer to a unique type of social movements that make political, economic, and cultural demands on behalf of a national group or nation.⁴¹

Mashingaidze (1981) also answered what changes did the liberation movements bring about, and how determined were the liberation movements to lead their countries to independence through a different path; why they chose a different path, considering that they historically related to the old nationalist organisations; and what were the characteristics of the national liberation movements—MPLA (Angola) FRELIMO (Mozambique), ZAPU and ZANU (Zimbabwe), SWAPO (Namibia) and the ANC and PAC (South Africa) and their effectiveness in their struggles as compared to the old nationalist organisations.

The following year, A. De Bragana & I. Wallerstein produced *The African Liberation Reader, Vol. 2: The National Liberation Movements*. This book relied heavily on texts from the national liberation movements of South Africa (ANC); Namibia (SWAPO) and Zimbabwe (ZAPU); while for the Portuguese colonies, it relied on the Declaration of early grouping of the movements—the FRAIN, two texts of the MPLA plus those of FNLA and the UNITA. Also, contributing to the publication was a

⁴⁰ EK Mashingaidze, “The Role of liberation movements in the struggle for Southern Africa, 1955-77”, in, *The Decolonisation of Africa: Southern Africa and the Horn of Africa*, Warsaw, UNESCO University Press, 1978.

⁴¹ H Johnston, ‘Nationalist Movements’, <https://onlinelibrary.wiley.com/doi/10.1002/9780470674871>

note of appreciation by the ANC (South Africa) of late President of FRELIMO, Eduardo Mondlane. De Braganca & Wallerstein's volume focused more on the roots of national liberation movements, the road to armed struggle, how to wage warfare, as well as national liberation movements class struggle theory and practice—as strategies for liberation.

In 1983, Malcolm Shaw, a Lecturer in Law and Director of the Centre for International Law at the University of Essex published: *The International Status of National Liberation Movements*.⁴² Shaw's article answered whether the national liberation movements were actually subjects of international law, and if that was affirmative, what were the implications in law of that? Also, he answered what the impact was, of liberation movements within the spheres of the rules governing armed conflicts and the laws of war; the precise relationship between 'self-determination', as legally understood, and liberation movements; what occurred where a liberation movement in controversial self-determination situations had received some recognition both bilaterally and internationally; what happened in terms of international law where competing liberation movements relating to the same territory are concerned; and the effects were, of recognition of a liberation movement.

Four years later, Galia Golan, of the Trustees of Columbia University in New York followed up with an article entitled: *Moscow and the Third World National Liberation Movements: The Soviet Role*.⁴³ Golan answered why the Union of Soviet Socialist Republic (USSR) supported a broad range of national liberation movements throughout the 'Third World'; and why it regarded the liberation movements as one of the three main revolutionary forces in the world. Also, in analysing the movements, Golan classified them according to three categories—anticolonial, separatist, and internal, indicating the nature and instruments of those movements in the post-

⁴² M Shaw, "The International Status of National Liberation Movements," *Liverpool Law Review*, Volume 1, 1983.

⁴³ G Golan, "Moscow and the Third World National Liberation Movements," *Journal of International Affairs*, Volume 40, No.2, Winter/Spring 1987.

Khrushchev period in the Soviet Union. In particular, the FRELIMO; MPLA; PAIGC; SWAPO; ZAPU were classified as anti-colonial; while the ANC was regarded as an internal but treated as anticolonial by the Soviets. Also, Golan's work answered how the liberation movements were treated prior to independence by countries such as Cuba, as well as the patterns thereof. In addition, he detailed on the factors influencing the Soviet support for the liberation movements, including composition, leadership and organisation, methods (guerrilla warfare) and the external factors.

In 1988, Heather A. Wilson published a monograph entitled: *International Law and the Use of Force by National Liberation Movements*.⁴⁴ Divided into four parts, the third part is called 'Right Authority', and it is further divided into two sections: the authority to use force by national liberation movements; and the status of status of liberation movements within the international community, their membership in international organisations and their recognition by third states. In the first section, Wilson wondered whether national liberation movements had a right to use force in international law against established governments and concluded that the trend over the last four decades and since 1960 in particular had authority to use force to national liberation movements, even though East and West shared opposite views on that matter. Although this was most open to questions, Wilson saw the right to use force by liberation movements as instrumental to the application of *jus in bello* to them. The second section of part three concerned the reconciliation of provisions that had given international status to wars of national liberation, with customary rules of the law of war and conventional humanitarian law in force before the adoption of Protocol I of the 1949 Geneva Conventions relevant to liberation movements. In that regard, the study concluded, many points were still to be examined as it had never been completely clarified whether established governments were to abide by the fourth Geneva Convention in case of wars of national liberation or whether the law of neutrality applied, totally or in part, to liberation movements.

⁴⁴ HA Wilson, *International Law and the Use of Force by National Liberation Movements*, Oxford, Clarendon Press, 1988.

In 1989, Daniel R. Kempton, associate professor and chair of the Department of Political Science at Northern Illinois University, published a book entitled: *Soviet Strategy toward Southern Africa: The National Liberation Movement Connection*.⁴⁵ Kempton analysed the Soviet Union's pursuit of a 'model strategy' with respect to three liberation movements in Southern Africa: the MPLA in Angola, ZAPU in Zimbabwe and the ANC in South Africa. He explained how this strategy sought to secure the adoption by states and movements of the Soviet model of rule by a Marxist-Leninist vanguard type of party. Interestingly, Kempton's work determined the Union of Soviet Socialist Republics (USSR) strategy in its relationships with national liberation movements rather than analysing policy formulation. The study also showed that the USSR pursued a model strategy because it set up an exclusive supplier relationship, which supported the most radical movement in each situation, opposing negotiated settlements with ruling powers, and opposing the unification of competing liberation movements in each country. Kempton's analysis concluded with a few examples of questions legal scholars had yet to answer such as: was a country that hosted liberation forces infringing any rule of the law of neutrality? What happened if liberation movements engage in hostilities outside the territory they want to free? Have liberation movements had any belligerent rights on the high seas? Were they entitled to visit and search foreign ships? These questions reveal that there are some missing perspectives or gaps in the existing literature regarding the subject of national liberation movements, of which the present study will try to bridge.

Three years later, Raymond Ranjeva, a well-known legal expert from Madagascar, published a book chapter with the title: *Peoples and National Liberation Movements* ⁴⁶ in which he answered as to the relationship between peoples and national liberation movements. Ranjeva explained in the chapter how in international

⁴⁵ DR Kempton, *Soviet Strategy toward Southern Africa: The National Liberation Movement Connection*, New York, Praeger, 1989.

⁴⁶R Ranjeva, "Peoples and National Liberation Movements" in M Bedjaoui (ed.), *International Law: Achievements and Prospects*, UNESCO, Paris, France, 1991.

law, liberation movements were regarded as the representative of the peoples not yet constituting a State. He traced the issue from the First and Second World Wars when various governments in exile and national committees foreshadowed modern national liberation movements. Ranjeva also answered how at the legal level the national liberation movements were studied, in terms of international recognition and when was the general theory of national liberation movements was formulated. For him, this was when the right of decolonisation was being worked in connection with the problem of the international status of the Provincial Government of the Republic of Algeria (GPRA), but the national liberation movements received practical recognition in 1966—thereby moving from a political concept to becoming a specific legal category with own conditions for recognition and a legal system of right and duties.

In 2003, Christopher Munthe, from the University of Copenhagen also published a book chapter relating to the Danish support for the national liberation movements. Entitled: *'To' or 'Through'? Denmark supporting national liberation movements*⁴⁷, Munthe's chapter answered when the first grants was for the national liberation movements; how the funds were allocated and which of the liberation movements in Namibia, Zimbabwe and Angola were supported. Noticeably, according to Munthe the funds for support of the liberation were allocated by the Non-Governmental Organisations (NGOs), and the movements in question included SWAPO, ZANU and the MPLA, amongst others. Munthe also, answered what the size of the support and aid for those movements was, as well as, how the OAU was involved in the process.

In 2004, Edre U Olalia of the International Association of People's Lawyers published a study entitled: *The Status in International Law of National Liberation Movements and Their use of Armed Force*.⁴⁸ Olalia's work answered why members of

⁴⁷ MC Munthe, "To' or 'Through'? Denmark supporting national liberation movements", In MC Munthe, *Denmark and National Liberation in Southern Africa*, Uppsala: Nordic Africa Institute, 2003.

⁴⁸EU, Olalia, "The Status in International Law of National Liberation Movements and Their Use of Armed Force," *International Association of People's Lawyers*, The Netherlands, 2004.

the 'dissidents groups' considered themselves to be members of national liberation movements, defined the concept of 'people' in the context of national liberation movements; and how the liberation movements' as representatives of the people sought and received support in their search for self-determination, and the implications thereof for international law and relations. Another important question that the study attempted to answer was whether the members of national liberation movements were 'terrorists,' 'freedom fighters' or revolutionaries. Olalia concludes that legally, members of national liberation movements were validly not criminals or terrorists as far as international law, and international political and diplomatic perspectives were concerned.

In 2008, S. Skagen a student at the Stellenbosch University published a master's dissertation, looking comparatively at the national liberation movements in South Africa and Zimbabwe. Entitled: *Liberation Movements in Southern Africa: The ANC (South Africa) and ZANU (Zimbabwe) Compared*, Skagen' study answered as to why the national liberation movements emerged on the African continent, citing political response to colonialism as the main reason; and compared them with those in the Americas and South East Asia. Further, she analysed the subject using Thomas H. Greene⁴⁹'s framework to compare the resistance movements in South Africa and Zimbabwe. She, in addition, outlined the reasons as to why the South African and Zimbabwean national liberation movements—the ANC and ZANU emerged as the most powerful and significant, citing leadership, support base, ideology, organisation, strategies and external support, as the main reasons.

Next, in 2009, Henning Melber, a Senior Research Associate at the Nordic Africa Institute in Uppsala, Sweden, published a book entitled *Southern African*

⁴⁹ Greene examined a wide variety of revolutionary movements along with their clear characteristics and causes to explain what contributed to the success or failure of a revolution; to understand fluctuations in a society's revolutionary potential; and to assess the field's potential for theory development. In, *Comparative Revolutionary Movements: Search for Theory and Justice*, 3rd Edition, Pearson College, 1990.

*Liberation Movements as Governments and the Limits to Liberation*⁵⁰, comparing the Zimbabwean, Namibian and South African national liberation movements. Melber's answered as to why the liberation movements in those countries once they had taken power, their governments were often marked by military mindsets, categorising people as winners and losers, and operating like command and obedience. Melber also gave some statistics revealing the violent character of movements such as ZANU in Zimbabwe, which had in the 1980s killed most of the members of ZAPU, its opposition. He, further explained how SWAPO of Namibia violently dealt with its members in the 1980s in southern Angola, accusing them of spying on behalf of South Africa, and why that situation continued through to the 2000s. In addition, Melber answered as to why the ANC in South Africa never published the findings of the Truth and Reconciliation Commission (TRC) relating to the incidents of human rights violations; and why both Namibian and South African national liberation movements found themselves challenged by the opposition parties, which have often been labelled as 'traitors.

Also, during the same year, an Argentinian, Elena Torrequitar, from the European Union Studies, published a book entitled: *Liberation Movements in Office: Forging Democracy with African Adjectives in Namibia*.⁵¹ Using the SWAPO as an example, Torrequitar answered why the liberation movements, most of them in Southern Africa did not accept the new international political order as the colonial master in the world had suddenly become an outdated concept. In addition, she also answered when did the democracy emerge in Southern Africa, pointing to the exile life of the liberation movements as the answered. Further, Torrequitar, answered why the liberation movements adopted authoritarian tactics, after years of support they received from abroad; and as to how the African version of democracy resulted from situation where the leaders of the liberation movements in exile, where democratic elements were non-existent, came back as elected democratic leaders.

⁵⁰ H Melber, *Southern African Liberation Movements as Governments and the Limits to Liberation*, The Nordic Africa Institute. Uppsala, Sweden, 2009.

⁵¹ E Torrequitar, *Liberation Movements in Office: Forging Democracy with African Adjectives in Namibia*, European Union Studies, Oxford, 2009.

Further, in 2009, Noel Higgings, a lecturer in International Law in the School of Law and Government, at Dublin City University in Ireland, published an article entitled: *The Regulation of Armed Non-State Actors: Promoting the Application of the Laws of War to Conflicts Involving National Liberation Movements*.⁵² Higgings' article investigated how non-state actors, specifically national liberation movements, were and could have been regulated by law. It gave an overview of the relevant legal provisions and illustrated the difficulties faced by national liberation movements if they had wished to accede to international humanitarian law (IHL) instruments and applied IHL in their conflicts.

Again, in 2010, H. Melber published a conference paper entitled: *The legacy of anti-colonial struggles in Southern Africa: Liberation Movements as Governments*⁵³, in which he answered why after independence the national liberation movements became engulfed in violent practise upon assuming power, citing the ZANU and ZAPU as examples. Melber also answered why the national liberation movements displayed solidarity during elections in their respective countries, citing SWAPO's congratulatory message to the re-election of President Robert Mugabe during the 2008 election in Zimbabwe as an example. These elections have dramatically changed Zimbabwe's political landscape. For the first time since independence in 1980, Mugabe ran second in the presidential voting, and the opposition—the Movement for Democratic Change (MDC)—won the control of parliament.⁵⁴ Melber, further, answered why upon assuming office the leadership of the liberation movements often visited one another, citing the visiting by Jacob Zuma (South Africa's Head of State and ANC President) to his counterpart, President Hifikepunye Pohamba (Namibia's Head of State and

⁵² N Higgings, "The Regulation of Armed Non-State Actors: Promoting the Application the Laws of War to Conflicts Involving National Liberation Movements", *Human Rights Brief Review*, Volume 17, Number 1, 2009.

⁵³ H Melber, "The legacy of anti-colonial struggles in Southern Africa: Liberation Movements as Governments," *Paper presented to the Conference on Election Processes, Liberation Movements and Democratic Change in Africa*, Organized by IESE and CMI, Maputo, 8-11 April 2010.

⁵⁴ International Crisis Group, "Negotiating Zimbabwe's Transition", *Policy Briefing*, Africa Briefing No. 51, Pretoria/Brussels, 21 May 2008, p.1.

SWAPO President), as well as the former President Sam Nujoma, also in 2008, as examples; and how and why the national liberation movements once assuming power, often left anti-democratic legacy of violence.

In 2011, D. Launman published a review with the title: *A Soviet View on Southern African Liberation Movements*⁵⁵. Launman, provided the Soviet view an eyewitness account of the history of Southern African national liberation movements; and answered as to why the Soviets never limited assistance to the Marxist or even radical groups, and why those groups, especially FRELIMO (Mozambique) succumbed to the pressure of the allies to choose sides in global politics. Also, this review detailed on the generous support the Soviets offered to African leaders (especially scholarships and military training) and answered why the Soviet officials held discussions, at the international conferences with the leadership of the liberation movements such as Angola's Agostino Neto; Zimbabwe's Joshua Nkomo; Mozambique's Samora Machel; and Namibia's Sam Nujoma. Launman's review concludes by answering why the Soviet Union failed to establish contact with Robert Mugabe's ZANU, when their support was limited to Joshua Nkomo's ZAPU.

The following two years saw a book publication by Roger Southall, professor Emeritus, Department of Sociology, University of the Witwatersrand. Entitled *Liberation movements in power: party and state in southern Africa*⁵⁶, Southall book answered as to why, unlike the earlier wave of national liberation, the southern African national liberation movements were not going to make similar mistakes for they possessed wider special qualities be it ideological sophistication, representativeness of advanced class formation or simply commitment to high-minded principles. Also, he answered how all the national liberation of Southern Africa expressed the intention to escape the fate reserved for the post-colonial national bourgeoisie of *Frantz Fanon's*

⁵⁵ D Lauman, "A Soviet View on Southern African Liberation Movements", A review of the 'Hot Cold War': The USSR in Southern Africa by Vladimir Shubin, *The Journal of African History*, Volume 52. No.3, 2011.

⁵⁶ R Southall, *Liberation Movements in Power: Party and State in Southern Africa*, Pietermaritzburg, 2013.

unflattering description.⁵⁷ Specifically, Southall focussed on three case studies: the liberation movements of South Africa—the ANC; Namibia—the SWAPO; and Zimbabwe—the ZANU, and asked what had gone wrong, and applied equality to the liberation movements in the Portuguese colonies of Angola and Mozambique and answered why those liberation movements had given rise to widespread feelings of disappointment by becoming authoritarian, intolerant, careless if not actively abusive of human rights. Further, he showed how the national liberation in Southern Africa began to focus increasingly on the armed struggle, in the 1950s and 1960s charting the brutality of SWAPO, the ANC and ZANU during the liberation struggles; and showed how those movements, once in power had failed to deal with issues of poverty and underdevelopment.

At the same time, Christopher Clapham, retired editor of the ‘Journal of Modern African Studies’(Cambridge University) and former Professor of Politics and International Relations (Lancaster University), published a report entitled *From Liberation Movement to Government*.⁵⁸ Although he focussed heavily on the legacies and challenges of transition in Africa, Clapham also touched on the common features of liberation wars—the contest for ‘movement hegemony’ in the course of which vicious fighting often take place between the rival liberation movements as was the case between ZANU and ZAPU in Zimbabwe, MPLA, FNLA and UNITA in Angola, among others. He also answered how rivalry affected the movements’ daily activities and or operations, especially determining which of them would be established as the ‘real’ embodiment of national identity, as opposed to the ‘divisive’ forces whom they had suppressed; and how liberation movements build themselves up from support they draw from the oppressed people among whom they fight—thereby proving their

⁵⁷ Fanon strongly emphasised that colonial rule 'was the bringer of violence into the home and into the mind of the native and asserted that violence was the 'natural state' of colonial rule. According to him, this violence derived from the racialised views that the coloniser has about the colonised subjects. In, F Fanon, *The Wretched of the Earth*, Farrington, Grove Press, New York, USA, 1963, pp.38 &61.

⁵⁸ C Clapham, “From Liberation Movement to Government”, Konrad Adenauer Stiftung (KAS) *International Reports*, 1/2/2013.

fighters with legitimacy and social networks on which they rely in their long years in the ‘bush’.

In 2014, Roger Southall also came up with a conference paper entitled: *Threats to Constitutionalism by Liberation Movements in Southern Africa*.⁵⁹ Published in *Africa Spectrum*⁶⁰, Southall’s paper touched on several key points relating to the road to democracy in southern Africa, and answered how the triumphs of the liberation movements, whilst real, were reflective of a regional stalemate; and how the liberation movements gained political power, but the pivotal economic power remained in white hands. Also, he answered how the liberation movements had regard for individual rights though their members had been the victims of arbitrary killings, violence, torture and other gross offences against human rights, and why there was a shared sense of determination that such atrocities should not happen again citing the ANC (South Africa); ZANU (Zimbabwe); and SWAPO (Namibia) as examples. Further, he answered why those movements had an ‘inherent’ legitimacy as neighbours, linking them further with the FRELIMO (Mozambique); MPLA (Angola); and Chama Cha Mapinduzi (Tanzania).

In 2015, K. Mastorodimos from the National University of London - Queen Mary, published a paper entitled: *Liberation Movements: Still a Valid Concept (with Special Reference to International Humanitarian Law)*?⁶¹ Mastorodimos, answered how the national liberation movements, self-determinations and the peoples—the-so-called three notions are interconnected. In his analysis, he defined the national liberation movements—as category of armed non-state actors which could be defined by their goal (self-determination), the quality of their constituency (peoples) and the conduct

⁵⁹ R Southall, “Threats to Constitutionalism by Liberation Movements in Southern Africa,” *Africa Spectrum*, Volume 49, Issue 1, 2014.

⁶⁰ *Africa Spectrum* is an Open Access publication which may be read, copied, and distributed free of charge according to the conditions of the Creative Commons Attribution. It is part of the GIGA Journal Family which include Journal of Current Chinese Affairs, Journal of Current Southeast Asian Affairs, and Journal of Politics in Latin America.

⁶¹ K Mastorodimos, “National Liberation Movements: Still a Valid Concept (with Special Reference to International Humanitarian Law)?” *Oregon Review of International Law*, Volume 17, No.71, 2015.

and/or quality of the opposing government. Also, he answered how and why the national liberation movements constituted the self-help vehicle of peoples to achieve self-determination, as well as the necessity of exploring the interrelated notions of self-determination and peoples. Mastorodimos, in addition, answered what the role of recognition of national liberation movements was, focussing on the criteria for their recognition; as well as the effects for that recognition for the movements' legal standing, and conclude by asking if whether national liberation movements were still a valid concept.

In 2018, Redie Bereketeab, a Senior Researcher and Associate Professor at the Nordic Africa Institute, published a book entitled: *National Liberation Movements as Government in Africa*⁶². Bereketeab's book answered how the liberation movements performed successfully once they had achieved state power. Comprising of five sub-themes: general conceptualisation and performance of national liberation movements (NLMs) turned governments; liberation struggles from European colonialism; liberation struggles from white minority rule; liberation struggles from neighbouring countries; and liberation struggles for reform, also answered how seizing political power has been the goal of all liberation movements, and what that meant for the movements. Bereketeab's book also analysed the role and performance of the MPLA government in Angola; as well as the arduous liberation struggle in Mozambique led by Frelimo; and the performance of the PAIGC in Guinea-Bissau after achieving power.

Several other publications followed in 2019. These included Daniel Chigudu's *The Paradox of the Politics of National Liberation Movements in Post-Colonial Southern Africa: Which Way to Go?*⁶³; D Soler- Crespo's *The Slow Death of Southern African Liberation Movements*⁶⁴; J.N. Tobias' *Southern African National Liberation*

⁶² R Bereketeab, *National Liberation Movements as Governments in Africa*, Routledge, 2018.

⁶³ D Chigudu, "The Paradox of the Politics of National Liberation Movements in Post-Colonial Southern Africa: Which Way to Go?" *African Renaissance*, Volume 16, Number 2, June 2019.

⁶⁴ D Solar-Crespo, *The Slow Death of Liberation Movements in Southern Africa*, Navarra Center for International Development, 2019.

*Movement: The Political Culture of South West Africa Peoples Organisation*⁶⁵; C. Saunders, H.A Fonseca & L. Dallywater 's *Southern African National Liberation Movements and the Gold War 'East': Transnational Activism 1960-1990*⁶⁶; Eric Burton's *Hubs of Decolonisation: African Liberation Movements and "Eastern", Connections in Cairo, Accra, and Dar es Salaam*.⁶⁷

Chigudu, answered how most Southern African countries paved the way for liberation movement governments in the post-colonial period; and how the movements had affected prospects for democratic consolidation; and how they formed governments and reorganised themselves into political parties. He also answered how upon assuming power, the liberation movements prioritised decolonisation and not democratisation, especially in the cases of Zimbabwe, Namibia and South Africa; as well as how those movements as a new elite were at best prepared to be accountable only to themselves and care little about the notion of popular democracy with extremely limited willingness to accept divergent opinions, particularly if expressed in public.

Generalising on the Former Liberation Movements of Southern Africa (FLMSA), Soler-Crespo answered how the national liberation movements arose; and why after three decades all national liberation movements remained in power, but steadily losing support in young and changing societies which claimed more accountability. Further, he answered how the FMLSA — formed by parties in six countries: the ANC in South Africa, SWAPO in Namibia, ZANU-PF in Zimbabwe, MPLA in Angola, FRELIMO in Mozambique and Chama Cha Mapinduzi (CCM) in Tanzania arrived at power and how they have fared once in government.

⁶⁵ J.N. Tobias' *Southern African National Liberation Movement: The Political Culture of South West Africa Peoples Organisation*, Grin Verlag, 2019.

⁶⁶ C Saunders, HA Fonseca & L Dallywater, *Southern African National Liberation Movements and the Gold War 'East': Transnational Activism 1960-1990*, De Gruyter Oldenburg, 2019.

⁶⁷ E Burton, "Hubs of Decolonisation. African Liberation Movements and "Eastern" Connections in Cairo, Accra and Dar es Salaam", in C Saunders, et.al, (eds.), *Southern African Liberation Movements and the Global Cold War "East": Transnational Activism 1960–1990*, De Gruyter Oldenburg, 2019.

Specifically, looking at SWAPO, Tobias explained how and when the Organisation came to power, and analysed its rule since the independence of Namibia from Apartheid government of South Africa in 1990. Also, he answered why SWAPO was regarded as a liberation party and discussed its political culture since independence. Further, Tobias explained how the SWAPO conducted its day-to-day operations to outline elements of the political culture of African independence and national liberation, as well as how liberation movements of the region continued to be dominated by an authoritarian political culture despite seeming to be theoretically democratic.

Covering the Southern African liberation movements and their global networks, Saunders, et.al. answered how liberation movements of the region, interacted with the European ones, emphasising, how their interests, networks and connections helped them in crafting their individual ideas. However, this work has been written from the perspective of the Cold War Studies field, through collection of many entangled and contradictory histories of Southern Africa during the Cold War, especially between 1947 and 1989. The study also answered how geopolitics of the times pitched the United States against the Soviet Union; and how the Cold War came to end in Southern Africa, with the settlement that took Namibia to independence. It, further, answered how that settlement helped in ending the wars fought in Angola and Mozambique, as well as the role of the national liberation movements and involvement of the super-powers in those wars.

Eric Burton's work discussed national liberation movements' connections with the wider world, focusing on exchanged experiences, visions, and debates. His work also analysed the merits of guerrilla strategies in difficult settings—citing the ANC (South Africa) and PAIGC (Guinea-Bissau) as examples. Burton, further, touched on the extent of socialist countries support to the liberation struggles, and the evolution of relations between them, citing how the MPLA (Angola) evolved. In addition, Burton discussed the rivalry between the movements such as the ANC and PAC (South Africa); ZAPU and ZANU (Zimbabwe); FNLA and UNITA (Angola); competition between those movements in modelling African futures. He, furthermore, outlined why

Cairo (Egypt); Accra (Ghana); and Dar es Salaam (Tanzania) were important 'gatekeepers' between the liberation movements and the wider world; and explained how those countries influenced the relations between the liberation movements and the communist countries.

Two other important publications followed up in 2020. These were of K. Shai and S. Zondi's⁶⁸; and J. Alexander, J. McGregor and B.M. Tendi.⁶⁹ Shai & Zondi's work took a stock of the state of liberation movements in Southern Africa, and answered how the movements became governing parties; also answered what challenges and key issues were, plaguing liberation movements upon assuming office. In addition, Shai and Zondi (2020) answered how the future of liberation solidarity in Southern Africa would unfold for the liberation movements, comparing and describing them in relation to the journey travelled, as well the patterns and trends of practice. Centrally, they answered why reconciliation of the past and present politics of liberation movements could never be complete without a rigorous and systematic focus on Southern Africa and through the Southern angled lens.

Alexander, McGregor and Tendi' work touched on evidence relating to the histories of the liberation movements of Zimbabwe, Namibia, and Angola. Principally, this work answered why and how the relationship and motives of African soldiers, politicians and diplomats were often varied and shifting; and how their interactions created opportunities for the circulation, promotion, and adaptation of a vast range of cultural, political, and military influences. Also, the work answered how the interactions within and among liberation movements, their hosts, and a wider set of external actors revealed legacies that were often eclipsed by dominant national histories.

⁶⁸ K Shai & S Zondi, *Dynamizing Liberation Movements in Southern Africa*, Pretoria, 2020.

⁶⁹ J Alexander, J McGregor & BM, Tendi, *Transnational Histories of Southern Africa's Liberation Movements*, Oxford, 2020.

Two other publications followed in 2021. They were of M. Grilli of the University of Padua in Italy⁷⁰, and Keabaka Tsholo of North-West University in South Africa.⁷¹ Grilli's study answered why upon independence, Kwame Nkrumah's Government decided to offer shelter and aid to liberation movements from all over the continent. Also, it answered why Nkrumah considered the help to Southern African liberation movements crucial, especially when, after 1960 the front of African liberation had shifted increasingly toward the south. According to Grilli activists and political refugees from Angola, Mozambique, Malawi, Zambia, Zimbabwe, Swaziland, Lesotho, Botswana, Namibia, and South Africa visited and resided in Ghana during the between 1957 and 1966, using Accra as one of their Headquarters for their independence struggles.⁷² Further, he explained how many of the liberation movements could intermingle, create synergies, exchanged ideas, and absorb the knowledge from Accra; and how Nkrumah influenced the liberation movements, even if none of the movements defined itself as Nkrumaist.

Tsholo's article examined the transition of national liberation movements into political and whether that guaranteed good governance or not. This piece also showed how the African liberation movements fought the liberation struggle leading up to independence and decolonisation, as well as, how those movements turned into political parties at the end of colonial rule, using the ZANU (Zimbabwe) and ANC (South Africa) as case examples.

In 2023, Zamokuhle Mbandlwa of the Department of Public Management and Economics at the Durban University of Technology published *The Rise and Fall of the National Liberation Movements in Africa*.⁷³ Mbandlwa 's work outlined reasons why the liberation movements produced capable and effective leaders in Africa; and why

⁷⁰ K Tsholo, "Do Transitions from Liberation Movements to Political Parties Guarantee Good Governance? The Case of ZANU-PF and the ANC", *Strategic Review for Southern Africa*, Volume 43, No.2, November/December 2021.

⁷¹ M Grilli, *Southern African Liberation Movements in Nkrumah's Ghana*, Oxford, 2021.

⁷² M Grilli, *Southern African Liberation Movements in Nkrumah's Ghana*, Oxford, 2021.

⁷³ Z Mbandlwa, 'The Rise and Fall of the National Liberation in Africa,' *Migration Letters*, Volume 20, No.3, May 2023.

some African liberation movements while in government were facing a serious threat from opposition parties and the general public. He also pointed out why other movements in Africa and Algeria were enjoying hegemony; and how the liberation movements in Africa after they had liberated people in their countries were often associated with a single figure; why in some African countries the colonial governments managed to destabilise the force of national liberation movements; and how the utterances of some liberation movements tainted their reputation. Mbandlwa, further, answered why the liberation movements in Africa were not the solution to the socio-economic challenges in their respective countries.

Indeed, literature has approached the subject of national liberation movements from different perspectives, answering a variety of questions as well. But put together, the sources consulted lack uniformity on the role of national liberation movements on the international political plane—a role that resulted in independence and freedom for the people of the Southern African region led by those movements. The current study enters the discussion, focusing on the representation of Southern African national liberation movements at the UN, from 1962 to 1975. It answers what the practice was, on the representation of liberation movements at the UN; how the UN reacted and responded to their representation over time; what the role of OAU was, regarding the representation of the liberation movements at the UN; as well as what the effects were, for the representation of the liberation movements at the UN. Answering these pertinent questions is important because they reveal the significant role of the national liberation movements of the region as a single entity on the international political plane as far as the process of decolonisation was concerned, especially the eventual independence and freedom of the people in their respective territories led by the movements.

1.8 Methodology

This study used qualitative methods to research and analyse the representation of southern African national liberation movements at the UN from 1962 to 1975.

Qualitative research method is important in different ways: it provides relationship information processing with performance specifically and deeply; and also, provides holistic understanding of human experience in a specific setting.⁷⁴ In this instance, qualitative research approach enabled the author to analyse the social, economic, and political hurdles that confronted the national liberation movements at the diplomatic level during the period under review. The author also consulted the *UN Digital Library* and *World Legal Institute* to locate decisions of the world body on decolonisation, especially on apartheid and colonialism at the height of national liberation struggles in Southern Africa.

1.9 Data Collection Methods

The bulk of primary sources was obtained from the documents of the UN General Assembly (New York) and OAU Secretariat (Addis Ababa). Primary sources which were consulted include declarations, resolutions, recommendations, annexes, and agenda items. All these provided useful information on how the UN and the OAU dealt with events concerning the liberation movements as they unfolded during the period under review. The major weakness of sources of this kind of study is that they are official, and therefore reflect the views of the office-bearers concerning the politics of the day. This gap was partially bridged by using the liberation movements' publications such as *Sechaba* (Official organ of the African National Congress [ANC] of South Africa), which captured the liberation movements' voices and their official stance on world affairs.

Other sources essential to the study were the national liberation movements' memoranda and statements before the UN. The value of all these is that they highlighted collective actions of the national liberation movements of the region on a

⁷⁴ Md Shidur Rahman, "The Advantages and Disadvantages of Using Qualitative and Quantitative Approaches and Methods in Language "Testing and Assessment" Research: A Literature Review", *Journal of Education and Learning*; Vol. 6, No. 1; 2017, p.102.

world stage, alongside member states of the world body. But at the same time, these memoranda and statements also reflected liberation movements' individual views rather than actual external realities of their struggles. This study also received help from a host of internet sources. These sources are rich in activities of the national liberation movements at the international level, especially during the period under review.

Apart from the above sources, the study also used published works such as reports, books, and journals. The *Yearbook of the United Nations* proved to be especially useful because it has sessions of the world organisation of which the national liberation movements were part. This was an extremely valuable source for the study. The *Yearbook of the United Nations* yields vital information concerning debates on decolonisation and decisions regarding colonialism and apartheid. Its strength lies in the fact that it expresses the international community's view on decolonisation. This includes the support and aid for the liberation movements' struggles against colonialism and apartheid in the Southern African region during the period under review.

The study further benefited from Official Records of the UN General Assembly, Security Council (SC), and the ECOSOC, as well as Conferences organized under the world body's auspices. In general, the UN Official Records consist of meeting records (of the main bodies) and supplements, including reports of subsidiary bodies and resolutions and decisions of the Assembly, and other selected documents, such as agenda items and annexes. Official records were used in the study because they detailed and extensively covered African affairs. This included the activities of the national liberation movements in UN proceedings and deliberations on colonial affairs. Some of the information in these records could not be accessed in other ways. But the major strength of the UN Official Records is that they capture events that involved the liberation movements, as they occur within the world body.

1.10 Chapter Outline

This research comprises six chapters of varying length. The chapters are organised chronologically and thematically. This indicates in some cases; the narrative may alternatively theme in historical context. The periodisation that informs the separation of chapters for this study, is based on the identification of six chapters.

Chapter one provides an introduction and background, statement of the problem, research aim and objectives, conceptual definition, justification, and period of the study. It includes a literature review, methodology and data collection methods for the entire study.

Chapter two covers the practice for representation of national liberation movements at the UN. The chapter's first is an introduction. It then moves to explore, in the second place, UN consideration of the territories in Africa, to describe that practice. It delves into the deliberations and proceedings of the GA's main organs—the Fourth Committee, Special Committee on Independence, UN Council for Namibia, and the Economic Commission of Africa (ECA) to reveal the practise. The last section summarises and provides highlights emanating from the main discussion.

Chapter Three addresses UN reaction and response to representation of national liberation movements over time. It first introduces the subject, and then explores GA decisions, to describes to those reactions and responses. The concluding section of the chapter summarises and provides main highlights coming from the discussion.

Chapter Four examines the role of the OAU in the representation of national liberation movements at the UN. It starts with a brief introduction, and then proceed to explore decisions of the OAU Executive Council—Assembly of Heads of States and Government and the Council of Ministers, to describe that role. Main highlights and a summary of the discussion are presented in the last section of the chapter.

Chapter Five examines the effects for representation of African national liberation movements in the UN. First, it introduces the subject, and then proceed explore some case examples of the UN organised conferences, to describe those effects. The last section of the chapter is a summary and highlights from the main discussion.

The Sixth and the last Chapter provides a summative evaluation of the study, and a conclusion.

CHAPTER 2: THE UN PRACTICE FOR REPRESENTATION OF NATIONAL LIBERATION MOVEMENTS, 1962-1974

2.1 Introduction

This chapter concerns the practice for representation of national liberation movements in the UN. It is divided into three sections. The first section introduces the subject of practice for representation of national liberation movements at the UN. Section two explores consideration by UN committees or organs: the Fourth Committee of the GA; the Special Committee on the granting of Independence to Colonial Countries and Peoples; the UN Council for Namibia; and the UN Economic Commission for Africa (ECA) of the question of Zimbabwe, Mozambique, Angola and Namibia, to describe that practice. The third section concludes the chapter.

In the years between 1945 and 1972, there were no explicit provisions or pertinent rules of procedure for the representation of national liberation movements at the UN. The representation of the liberation movements was based on practice, following the authorized decisions of the GA and ECOSOC. *Inter alia*, the following practice seemed to have been applied: the representatives of liberation movements were invited through the OAU, and invitations were transmitted by the Secretary-General after the decision to invite them had been taken by the relevant GA organ or committee; the representatives of the movements were seated in the rooms in seats designed as 'observers' and addressed or spoke when permitted to speak during the course of debates relating to their territories; and that they were accorded distribution of certain documents similar to those of the members of the committees' organs; communications from a liberation movement were circulated under cover note from the Chairmen of the committees or organs stating their request; and financial provision for the movements' representation and participation was authorized by the

Assembly.⁷⁵ This practice arose primarily from the UN GA organs or committees. Four of these committees or organs were: the Fourth Committee of the GA; the Special Committee on the Granting of Independence to Colonial Countries and Peoples⁷⁶; the UN Council for Namibia; and the UN Economic Commission for Africa (ECA).

Arguably, the practice set up by these committees or organs allowing representatives of national liberation movements of colonial territories in Africa to take part in their proceedings concerning those territories could be seen as a legitimate move in attempt to secure greater information about developments about those territories. Or it could also be seen as an implicit acknowledgment of a kind of superior status in respect for organisations over others and over individuals in such territories where the sources of such information were being unduly restricted.⁷⁷

It appears that the GA and ECOSOC expressly requested UN organs or committees, in consultation with the OAU, to ensure representation of the colonial territories in Africa by national liberation movements, in a suitable capacity, when dealing with matters about those territories.

A suitable starting point for understanding the practice for representation of national liberation movements at the UN is to examine the UN GA committees or organs' consideration of the question of African territories Zimbabwe, Angola, Mozambique, and Namibia. This requires examining the 1962 to 1974 considerations of those committees or organs of those territories.

⁷⁵ "Representation of National Liberation Movements in the United Nations Organs. Legal Opinion Prepared for the Under-Secretary-General Office for Inter-Agency Affairs and Coordination, *United Nations Judicial Yearbook*, New York, 1974, p.149.

⁷⁶ The Special Committee on the Granting of Independence to Colonial Countries and Peoples will only be referred here as the Special Committee.

⁷⁷ M Shaw, "The International Status of National Liberation Movements," *Liverpool Law Review*, Volume 1, 1983, 23.

An analysis of the Assembly committees or organs' consideration of the territories in Africa is critical because they distinguished at the outset which of the national liberation movements were permitted or invited to make statements before the UN organs or committees as 'petitioners' or as individuals or organisations considered capable of furnishing necessary information, or who have appeared before the Security Council (SC) under its rules of procedure as persons considered competent to supply information or give other assistance.⁷⁸ It is also critical because those organs or committees have presided over the decolonisation of Africa⁷⁹—thereby further revealing the stages in which the national liberation movements developed a diplomatic struggle against colonial dominance in their respective territories.⁸⁰ In addition, an analysis of these organs or committees is critical because they provide sources *formelles*—an evidence of a recognised source of law in the form of state practice showing the existence of a custom; also contribute to the sources *materielles* of international law; and contribute to the clarification and development of law.⁸¹ Further, their analysis is critical because they became ' focal points of UN anti-colonial activity'⁸²; and reflected and perhaps amplified the ongoing changes of a revolutionary world seeking to be more equitable and democratic at one and the same time.⁸³

⁷⁸ "Representation of National Liberation Movements in the United Nations Organs. Legal Opinion Prepared for the Under-Secretary-General Office for Inter-Agency Affairs and Coordination, *United Nations Judicial Yearbook*, New York, 1974, p.149.

⁷⁹ Centre for Conflict Resolution "The United Nations and Africa: Peace, Development and Human Security," *Policy Seminar Report*, University of Cape Town, South Africa and Friedrich Stiftung, Mozambique 14-16 Hotel Avenida, Maputo, Mozambique.

⁸⁰ AAE Santos, "The Role of the Decolonization Committee of the United Nations Organization in the Struggle Against Portuguese Colonialism in Africa: 1961-1974", *The Journal of Pan African Studies*, vol.4, no.10, January 2012, p.248.

⁸¹ R Higgins, "The United Nations and Law-making: The Political Organs," *The American Journal of International Law*, Volume 64, No.4, Cambridge University Press, September 1970, p.38.

⁸² HW Barber, "Decolonization Committee of Twenty-Four," *World Affairs*, Volume 138, No.2 (Fall), 1975, p.130.

⁸³ J Fomerand "UN Conferences: Media Events or Genuine Diplomacy?" *Global Governance*, Volume 2, No.3, September- December 1996, p.373.

2.2 UN Consideration of the Territories in Africa, 1962-1974

2.2.1 Fourth Committee of the GA

The GA's Fourth Committee, also known as the Special Political and Decolonization Committee or SPECPOL or C4 is one of six main committees of the Assembly. Established in 1945, the Committee dealt with a diverse set of political issues, specifically the issue of decolonisation.⁸⁴ After independence had been granted to all the UN trust territories and the subsequent dismantling of the trusteeship system⁸⁵, the Committee's workload decreased.

Consequently, it was merged with the Special Political Committee, which had been created as a seventh main committee to deal with certain political issues.⁸⁶ The Committee met every year from late September to mid-November, but also convened briefly in the spring to adopt any resolutions and decisions relating to peacekeeping passed by the Special Committee on Peacekeeping Operations. All 193 member states of the UN could attend its meetings.⁸⁷

⁸⁴ *The GA Handbook: A practical Guide to the United Nations General Assembly*, Permanent Mission of Switzerland to the United Nations, Swizz Confederation, 2017, p.75.

⁸⁵ The 'Trusteeship System' originated from Article XXII of the Covenant of the League of Nations, according to which the former German colonies including those in Africa should be placed under the mandate until such time as they were able to stand alone. With the dissolution of the League and replacement by the UN, no obligation was placed upon any Member State to place any of its territories under trusteeship. See, for example, "Origin of the Mandate System and the Trusteeship System", *Negro History Bulletin*, Vol.14, No.8, Association for the Study of African American Life and History 1951, p.171.

⁸⁶ General Assembly Resolution 47/233—Revitalization of the work of the General Assembly, adopted at the 109th plenary meeting, 17 August 1993, Available at: <https://www.securitycouncilreport.org> (Accessed on 21 May 2023)

⁸⁷ *The GA Handbook: A practical Guide to the United Nations General Assembly*, Permanent Mission of Switzerland to the United Nations, Swizz Confederation, 2017, p.75.

Unlike most other UN bodies, the Committee also allowed for petitioners (civil society representatives and other stakeholders) to address it on decolonisation issues; and adopted resolutions and several draft decisions annually, usually by consensus.⁸⁸

The Fourth Committee of the GA considered the question of territories in Africa Zimbabwe, Angola, and Mozambique, and South West Africa/Namibia now Namibia at the Assembly's twenty-seventh session in 1972. It had before it a letter from the Chairperson of the Special Committee on the Granting of Independence to Colonial Countries and People⁸⁹, suggesting that the Fourth Committee consider inviting in consultation with the OAU, representatives of the liberation movements concerned to participate in an observer capacity in the examination of those territories.⁹⁰ Since its inception in 1963, OAU regarded the decolonisation of the territories still under colonial domination as the *raison de'tre* and major goal. In particular, the Founding Fathers had deemed it 'imperious and urgent' to support the struggle of those territories.⁹¹

The Special Committee on independence's suggestion was approved by the Fourth Committee on 27 September 1972. In accordance with this decision, the following representatives of national liberation movements participated in an observer capacity during the Fourth Committee's discussion of the territories under Portuguese administration: Marcelino dos Santos Vice President, Front for the Liberation of Mozambique (FRELIMO); Mariano Matsinha, member of the Central Committee, FRELIMO; Sharfuddine M. Khan, New York representative; Amilcar Cabral, Secretary-General of the Party for the Independence of Guinea and Cape Verde (PAIGC); Gil Fernandes, member of the Superior Council, PAIGC; and Oscar Teixeira, member of

⁸⁸ *Ibid.*

⁸⁹ The Special Committee on the Granting of Independence to Colonial Countries and Peoples is fully discussed in the next section of this chapter.

⁹⁰ "Report of the Fourth Committee", Document A/8957, *Agenda Item 64*, Official Records of the General Assembly Annexes, Twenty-Seventh Session, New York, p.3.

⁹¹ A Tekle, "A Tale of Three Cities: The OAU and the Dialectics of Decolonization in Africa", *Africa Today*, Volume 35, No.3/4, 3rd Qtr, Indiana University Press, 1988, p.49.

the Executive Committee, PAIGC.⁹² Assumably, the Special Committee's decision to invite the representative was a good-will gesture by the UN and a show of confidence on those representatives with respect to self-determination and independence for colonial countries and people.

The Fourth Committee also heard statements of the following petitioners: Arthur X. L. Vilankulu, Faustino Arvanjo Kambeu and Gwendoline Gumane, Revolutionary Committee of Mozambique (COREMO); and Romesh Chandra, Emilson S. Randriamihasinoro, Gordon Schaefer and Canon Raymond Goor, World Peace Council.⁹³

The decision to allow representatives of the national liberation movements in the Portuguese administered territories to participate in the discussion as observers was welcomed by many of the Fourth Committee members. Tanzania, for example, said that the historic decision to accord them the status of observers was a triumph of common sense and a victory over colonialism.⁹⁴

For the OAU, the decision was historic because it was a result of the long and difficult struggle against colonialism within the framework of the UN, which also led to recognition of the right of colonial peoples to self-determination and independence and world body recognition of the legitimacy of the struggle of liberation.⁹⁵ In addition, the grant of observer status at the UN to liberation movements, in light of the recognition by the OAU, 'was certainly a political victory in the drive to internationalize wars of national liberation'.⁹⁶

⁹² "Report of the Fourth Committee", Document A/8957, *Agenda Item 64*, Official Records of the General Assembly Annexes, Twenty-Seventh Session, New York, p.3.

⁹³ *Ibid.*

⁹⁴ *Yearbook of the United Nations*, New York, 1972, p.592.

⁹⁵ "Consideration of Draft Resolutions," *United Nations General Assembly Official Records*, Agenda Items 68 and 12, Fourth Committee, 2015th Meeting, Wednesday 6 December 1972.

⁹⁶ H Trevona, "Self-Determination, National Liberation Movements and the Use of Force," Durham E-Theses, Master of Jurisprudence, Department of Law, Durham University, 2007, p.31.

In view of the situation in those territories, many states also said that there was an urgent need for more assistance to the liberation movements by the UN, the specialised agencies, and the international community.⁹⁷ In that connection, several states referred to the resolution adopted at the ninth session of the Assembly of Heads of State and Government of OAU, held in Rabat, Morocco, in June 1972, which called for increased assistance to the liberation movements.⁹⁸

Some states held that a peaceful solution to the question was still attainable and that efforts should be continued to bring about negotiations between the national liberation movements and Portugal.⁹⁹ The Secretary-General of PAIGC, Amilcar Cabral said that the Fourth Committee should consider the following proposals: representations to the Government of Portugal for the immediate start of negotiations between its representatives and those of the PAIGC; and immediate acceptance of PAIGC delegates, in the capacity of associate members or observers, in all the specialised agencies in the UN as the role legitimate representatives of the people of Guinea; development of practical assistance from the specialised agencies to the people of Guinea; and moral and political support by the UN for initiatives of the people of Guinea and PAIGC, with a view of ending the Portuguese colonial war and achieving independence.¹⁰⁰

The Vice-President of FRELIMO, Marcelino dos Santos expressed gratitude to those organisations and governments which had assisted his organisation and said that FRELIMO was prepared to negotiate with Portugal on condition that it formerly recognise Mozambique's right to self-determination and independence.¹⁰¹ It can be deduced from words such as 'prepared to negotiate' that only armed struggle was an answer to the solution of their problems, and such expressed also helped the world

⁹⁷ *Yearbook of the United Nations*, New York, 1972, p.593.

⁹⁸ "Resolutions Adopted by the Ninth Ordinary Session of the Assembly of Heads of State and Government held in Rabat, Morocco from 12 to 15 June 1972, Available at: <https://archives.au>

⁹⁹ "Consideration by the General Assembly," *Yearbook of the United Nations*, New York, 1972, p.593.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

body (UN) push the colonial power to come to terms with the principles of self-determination and independence.

Further, in accordance with the Fourth Committee's decision, representatives of the SWAPO; ZAPU and ZANU participated in the Committee consideration of their territories in an observer capacity. The SWAPO was represented in the discussions of by Secretary for External Affairs, Peter Mushihange and Theo-Ben Gurirab, the organisation's representative at the UN in New York, at the Fourth Committee's meetings, held on 6 and 11 December 1972, respectively.¹⁰² Not only did participation of the leadership of the movements in the Committee, provide them with an opportunity to present their case before it, but also implied acknowledgement by the world community that they would become future heads of post-colonial countries.

The ZAPU was represented by Jane Ngwenya¹⁰³, member of the National Executive Committee, Aaron Ndlovu, member of the Revolutionary Council; while the ZANU was represented by Richard Hove, Secretary for External Affairs. Both Jane Ngwenya and Richard Hove made statements before the Fourth Committee, at its meetings held on 10 December 1972.¹⁰⁴

Ngwenya expressed her gratitude to the UN and to the Fourth Committee in particular, for enabling the representatives of liberation movements to appear as observer and thus, recognising the legitimacy of the armed liberation struggle as the only course of open to the people of those countries still toiling under the colonial

¹⁰² "Report of the Fourth Committee." Document A/8957, Agenda Item 64, *Official Records of the General Assembly, Annexes, Twenty-Seventh Session, New York, 1972*, p.2.

¹⁰³ Jane Ngwenya was once detained by the Ian Smith racist regime for 6 years as one of the leading members of the ZAPU, who would lead a delegation to the World Congress of Women held in 1975 in East Berlin. Ngwenya was particularly well known for her activities and stand in the struggle against imperialist oppression & fascism, against colonialism and racism in the world at large. See, for example, "Zimbabwe—One Country—One People—One Voice—One Fighting Force", *The Zimbabwe Review*, Volume 4, No.3/75, (May/June), 1975, p.18.

¹⁰⁴ "Report of the Fourth Committee," Document A/8933, Agenda Item 66, *Official Records of the General Assembly, Annexes, Twenty-Seventh Session, New York, 1972*, p.13.

yoke.¹⁰⁵ Hove said, in ZANU's view, revolutionary violence was a legitimate response to reactionary; and that the Zimbabweans would have preferred to talk rather than to kill or be killed, but they had unfortunately been compelled to accept violence.¹⁰⁶

Speaking on behalf of his organisation (SWAPO), Mushihange expressed profound appreciation at the Fourth Committee's decision to adopt the proposal 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 to grant observer status to the national liberation movements which were recognised by the OAU.¹⁰⁷

According to Mushihange, that decision was most prompt, since the universe was increasingly realising that the national liberation movements were the visible expression of the aspirations of the oppressed peoples of colonial Africa. For him, the OAU itself had decided at Rabat, Morocco in June 1972 to grant observer status to the national liberation movements¹⁰⁸ and that the Conference of Foreign Ministers of the Non-Aligned Countries had taken a similar position at Georgetown, Guyana in August 1972.¹⁰⁹

Mushihange therefore, expressed on behalf to the SWAPO, the Namibia's people's desire for freedom and independence, and reversed the right to speak in the course of the debate on Namibia in the Fourth Committee.¹¹⁰ As a general observation,

¹⁰⁵ *Ibid*, p.109.

¹⁰⁶ *Ibid*, p.110.

¹⁰⁷ "The Question of Namibia", Agenda Item 64, *Official Records of the United Nations General Assembly*, Fourth Committee, 2015 the meeting, Wednesday 6 December, New York, 1972.

¹⁰⁸ In particular, at the Rabat Session of OAU Council of Ministers were the following Liberation Movements; FRELIMO, MPLA, PAIGC, ANC, ZAPU and ZANU. *In*, "Organisation of African Unity", *Rapporteur's Report*, Council of Ministers, 5-12 June 1972, Rabat, Morocco.

¹⁰⁹ Four national liberation movements from Southern Africa also took part in this Conference. *In*, P Stubbs (ed.), *Socialist Yugoslavia and the Non-Aligned Movement: Social, Cultural, Political and Economic Imaginaries*, McGill-Queens University Press, 2003.

¹¹⁰ *Ibid*.

and of course, considering the statements of the representatives of the liberation movements, granting an observer status implied that the movements were 'states in waiting', for they also conducted own foreign relations matters.

On 14 December 1972, the Fourth Committee approved, based on the statement of the representative of SWAPO, a draft resolution on Namibia. This resolution was adopted by the Assembly four days later.¹¹¹ The GA recorded in the preambular paragraphs of the text that it had invited, in consultation with OAU, representatives of the national liberation movement of Namibia—the SWAPO—to participate in an observer capacity in the consideration of the territory and had heard the statement of a representative of the movement.¹¹²

Meanwhile, the Fourth Committee had also approved two draft resolutions on Zimbabwe on 7 December 1972, based on the statements of the representatives of ZAPU and ZANU. Both texts were adopted by the GA at the same time.¹¹³ By the operative part of the first resolution, the Assembly, among other things, requested all governments, the specialised agencies and other organisations concerned, in consultation with the OAU, to extend all moral and material assistance to the people of Zimbabwe.¹¹⁴

At its 1973 session, the GA as in 1972, on the recommendation of the Fourth Committee, and Special Political Committee, once again decided to grant observer status to the African liberation movements recognised by OAU. Thus, the following representatives of the OAU recognised liberation movements took part in the Fourth Committee discussions in an observer capacity relating to the territories under

¹¹¹ *In*, *Yearbook of the United Nations*, New York, 1972, p.614.

¹¹² UN GA Resolution 3031 (XXVII)—Question of Namibia, adopted at the 2114th plenary meeting, 18 December 1972, Available at <https://www.refworld.org>

¹¹³ "Consideration by the General Assembly," *Yearbook of the United Nations*, New York, 1972, p.127.

¹¹⁴ *Ibid.*

Portuguese administration: Mangali Tula, National Front for the Liberation of Angola (FNLA); and Sharfudine Khan, FRELIMO.¹¹⁵

On 12 October 1973, the Special Political Committee heard among others, statements from the representatives of South African liberation movements. Thereafter, the Special Committee approved, based on those statements, by acclamation a draft resolution¹¹⁶, condemning the failure of the Government of South to comply with the repeated requests of the GA and SC for the release of all persons imprisoned and interned, or otherwise for their opposition to apartheid.¹¹⁷

Notably, South Africa's failure to comply with the Assembly and SC repeated requests to release all persons imprisoned or interned resulted in an increase role of international assistance groups such as the International Defence and Aid Fund (IDAF)¹¹⁸ and the Committee of the Red Cross (ICRC)¹¹⁹ as far as the liberation movements' struggle was concerned.¹²⁰

On 9 November 1973, the Fourth Committee approved, based on the representatives of their statements, the texts of two resolutions which were adopted by the GA three days later.¹²¹ By the preamble of the first resolution, the Assembly reaffirmed that the Angolan and Mozambican national liberation movements were the authentic representatives of the true aspirations of the people of those territories.¹²²

¹¹⁵ "Consideration by the General Assembly," *Yearbook of the United Nations*, New York, 1973, p.744.

¹¹⁶ This resolution would be adopted by the GA on 26 October 1973, as its Resolution 3055 (XVIII), in Report of the Special Committee on Apartheid, General Assembly Official Records: Twenty-Ninth Session, *Supplement No.22(A/9622)*, United Nations, New York, 1974, p.11.

¹¹⁷ *Ibid*, p.12.

¹¹⁸ The IDAF was founded in England in 1953 to support the victims of Apartheid.

¹¹⁹ The ICRC was formed 1859 by Henri Dunant, a Swiss businessman. Headquartered in Geneva, Switzerland, the Committee directs and coordinates the international relief activities conducted by the Movement in situations of conflict.

¹²⁰ GW Shepherd, Jr "Humanitarian Assistance to Liberation Movements", *Africa Today*, Vol. 21, No. 4, Indiana University Press (Autum), 1974, pp.79-80

¹²¹ "Consideration by the General Assembly," *Yearbook of the United Nations*, New York, 1973, p.746.

¹²² *Ibid*.

The GA recommended that, pending their accession to independence, all governments, the specialized agencies and other organisations within the UN system and the UN bodies concerned should, when dealing with matters pertaining to the territories, ensure their representation by the national liberation movements concerned in an appropriate capacity and in consultation with OAU.¹²³ By implication, the GA had elevated the representatives of liberation movements to status of heads government, even before they could be—a development which those representatives, hopefully enjoyed.

Regarding Zimbabwe, it was Edward Ndlovu of ZAPU and Mukudzei Mudzi of ZANU who took part in an observer capacity during the Fourth Committee discussions on the territory.¹²⁴

On 20 November, the Fourth Committee approved, following a debate on the issue, which also considered the statements of those representatives, two draft resolutions which were later adopted by the GA on 12 December 1973.¹²⁵

The Assembly reaffirmed in the operative part of the first text that there should be no independence before majority rule in Zimbabwe; and stated that any settlement relating to the future of the territory be worked out with the full participation of the genuine political leaders and representatives of the national liberation movements, who were the sole and authentic representatives of the true aspirations of the people of Zimbabwe.¹²⁶

¹²³ *Ibid.*

¹²⁴ *Ibid*, p.124.

¹²⁵ *Ibid*, p.125.

¹²⁶ *Ibid*, p.126.

For Namibia, it was, among others, Veive N Mbaeva and Mburumba Kerina, both representing the South West Africa National United Front (SWANUF), who participated in the Fourth Committee discussions.¹²⁷

On 4 December 1973, the Fourth Committee approved, following a discussion on Namibia, which also considered the statements of the representatives, a draft resolution which was subsequently adopted by the Assembly on 12 December, recognising SWAPO as the authentic representative of the people of Namibia.¹²⁸ The GA, therefore, asked all states and organisations within the UN system, to render to the Namibian people [via SWAPO], in cooperation with the OAU, all moral and material assistance necessary to continue their struggle for freedom.¹²⁹

As in the previous years, the Fourth Committee and the Special Political Committee invited the representatives of the liberation movements recognised by the OAU to take part as observers in the proceedings relating to Territories under Portuguese administration, Zimbabwe, Namibia and South Africa in 1974.¹³⁰

The invitation for representatives of South African liberation movements was based on the OAU decision of 19 February 1973 requesting Special Political Committee, to work closely with the ANC, headquartered in Morogoro, and the PAC headquartered in Dar es Salaam, Tanzania. As a consequence, Mzwandile Piliso, member of the National Executive of the ANC, and Potlako Leballo, Acting President of the PAC, participated at the Special Political Committee's meetings, as observers, on 21 March 1974.¹³¹

¹²⁷ *Ibid*, p.726.

¹²⁸ "Consideration by the General Assembly," *Yearbook of the United Nations*, New York, 1973, p.728.

¹²⁹ *Ibid*, p.729.

¹³⁰ *Ibid*.

¹³¹ "Report of the Special Committee on Apartheid", General Assembly Official Records: Twenty-Ninth Session, *Supplement, No.22 (A/9622)*, United Nations, New York, 1974, p.16.

The invitation for representatives of the liberation movements from the territories under Portuguese administration to take part in the Fourth Committee discussions was based on the GA decision of 3 October 1974 as recommended by the Committee, having been approved by its chairperson on 23 September.¹³²

The invited representatives to take part in the Fourth Committee discussions/proceedings included Miguel Trovoada, Movement for the Liberation of Sao Tome, and Principe (MLSTP); Sharfudine M. Khan, FRELIMO; Mangali Tula, FNLA (Angola); Saydi Vifira Dias Mingas, Popular Movement for the Liberation of Angola (MPLA); and Abilio Monteiro Durate, PAIGC.¹³³

During the discussion of the item, many speakers have expressed satisfaction with Portugal's recognition of the right of self-determination and independence, emphasizing that the national liberation movements of the territories in question had brought about the changes through their determined struggle for freedom. In general, most representatives shared the view that the process of decolonisation should continue without delay.¹³⁴

On that basis, the Fourth Committee approved without objection a draft resolution on 11 December 1974. This resolution was adopted by the GA also without objection, on 13 December, as Resolution 3294 (XXIX).¹³⁵ By the preambular paragraphs of the text, the Assembly among other things, welcomed the declaration of the government of Portugal accepting its obligations on the relevant provisions of the Charter and recognising the right of self-determination and independence.¹³⁶

¹³² "General Aspects of the implementation of the Declaration," *Yearbook of the United Nations*, New York, 1974, p.766.

¹³³ "Consideration by the General Assembly," *Yearbook of the United Nations*, New York, 1974, p.815.

¹³⁴ *Ibid*, p.816.

¹³⁵ UN GA Resolution 3294 (XXIX)—Question of Territories under Portuguese Domination, adopted at the 2318th plenary meeting, 13 December 1974, Available at: <http://www.worldlii.org> (Accessed on 22 May 2023).

¹³⁶ *Ibid*.

The GA also recognised that the changes in Portugal's policy towards its colonial territories were brought about mainly because of the struggle and persistent resistance of the people of the territories led by their national liberation movements.¹³⁷ It, therefore, recalled the responsibility of the UN to continue to render all moral and material aid to those peoples and the national liberation movements recognised by the OAU in their efforts to consolidate national unity and to reconstruct their countries.¹³⁸

Regarding Mozambique, the GA by the operative part of the resolution, among other things, invited all member states, in particular the developed countries, and requested all organisations of the UN system, particularly the financial institutions, speedily to assist FRELIMO to cope with the immediate and pressing economic and social problems arising from the pre-independence situation in the country.¹³⁹

For Southern Rhodesia/Zimbabwe, the Fourth Committee invited Noel Mukono (ZANU) and T. George Silundika (ZAPU) and heard a statement by Referend Canaan Banana, leader of the Zimbabwe African National Council (ANCZ), at the GA's twenty-ninth session in 1974.¹⁴⁰

During the debate in the Fourth Committee, many of the members saw that the United Kingdom (UK), as an administering authority should call for a constitutional conference in which the leaders of the ANCZ would play a major part.¹⁴¹

On that basis, the Fourth Committee approved two resolutions on the question of Zimbabwe, on 28 November 1974: one concerning the territory as a whole and the

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

¹⁴⁰ *In*, "Consideration by the General Assembly," *Yearbook of the United Nations*, New York, 1974, p140.

¹⁴¹ *Ibid.*

other relating to the question of sanctions. These texts were adopted by the GA also on 13 December 1974.¹⁴²

By the operative part of the first resolution, the Assembly, among other things, reaffirmed that the national liberation movements of Zimbabwe were the sole and authentic representatives of their true aspirations; and that any settlement be worked out with the full participation of the genuine political leaders and leaders of the national liberation movements and be endorsed freely and fully by the Zimbabwean people.¹⁴³

The Fourth Committee considered the issue of Namibia at its meetings held between 15 October and 29 November 1974. It invited three representatives of SWAPO: Theo-Ben Guriab, Peter Mushihange and John Ya Otto to take part in an observer capacity during its consideration of the question.¹⁴⁴

The Fourth Committee also heard statements by, among others, Gerson Veii of the South West African National Union (SWANU), on the question of Namibia during those meetings. It considered the question at the meetings held between 15 October and 29 November 1974.¹⁴⁵

The majority of those who spoke on the question of Namibia approved the growing political and military struggle undertaken by the Namibia people, which, they said, had become increasingly effective under the leadership of SWAPO; emphasised the need for the armed struggle to continue; and to provide SWAPO with moral and material support.¹⁴⁶

¹⁴² *Ibid*, p.141.

¹⁴³ *Ibid*.

¹⁴⁴ "Consideration by the General Assembly," *Yearbook of the United Nations*, New York, 1974, p.156.

¹⁴⁵ *Ibid*.

¹⁴⁶ *Ibid*, p.157.

On 13 December 1974, the GA acting on the recommendation of the Fourth Committee, adopted without objection, a resolution which the Committee had unanimously approved, as revised by the sponsors, on 29 November.¹⁴⁷ Under the resolution, the Assembly, among other things, noted with satisfaction the arrangements for the representation of the national liberation movements in the work of the Special Committee on the Granting of Independence to Colonial Countries and Peoples, the UN Council for Namibia, and the Fourth Committee. It, therefore, expressed its appreciation of the movements' participation in the proceedings of those committees or organs.¹⁴⁸

2.2.2 Special Committee on the Granting of Independence to Colonial Countries and Peoples

The Special Committee on the Granting of Independence to Colonial Countries and Peoples (Special Committee on Independence) was set up under Resolution 1654 (XVI) of 27 November 1961. Some believe that the Special Committee became one of the most active groups set up by the GA.¹⁴⁹

Others believe that it served as a major international instrument of decolonisation.¹⁵⁰ Members of the Special Committee were appointed by the President of the GA on 23 January 1962. They were Australia, Cambodia, Ethiopia, India, Italy, Madagascar, Mali, Poland, Syria, Tanganyika (Tanzania), Tunisia, USSR, United Kingdom of Great Britain and Ireland, USA, Uruguay, Venezuela, and

¹⁴⁷ *Ibid*, p.158.

¹⁴⁸ UN GA Resolution 3296(XXIX)—United Nations Fund for Namibia, Available at: <https://digitallibrary.un.org>

¹⁴⁹ HW Barber, "Decolonization: Committee of Twenty-Four," *World Affairs*, Vol. 138, No. 2, Fall 1975, p.128.

¹⁵⁰ JH Mittelman, "Collective Decolonisation and the U.N. Committee of 24", *The Journal of Modern African Studies*, Volume 14, No.1, 1976, p.41.

Yugoslavia.¹⁵¹ This membership was subsequently, increased from seventeen to twenty-four hence the name UN Committee of 24.

The main task of the Special Committee was to examine the application of the 1960 Declaration on the Granting of Independence to Colonial countries and peoples, to make suggestions and recommendations on the progress and extent of the implementation of the Declaration and to report to the GA at its seventeenth session.¹⁵² It was also, in addition, authorized to meet elsewhere than at UN Headquarters, whenever and wherever such meetings may be required for the effective discharge of its functions, in consultation with the appropriate authorities.¹⁵³

The Special Committee began its work on 20 February 1962. Most of the territories within the Special Committee's scope of competence were in Africa. These territories included, among others, in Africa; Southern Rhodesia/Zimbabwe, Angola, Mozambique and Namibia.¹⁵⁴

On 1 March 1962, it agreed to receive written petitions and hearing of petitioners. However, by the end of the 1960s, the Special Committee had not achieved any considerable progress regarding processing the petitions.¹⁵⁵ The main reason for the lack of progress was because the Special Committee did not have a criterion for granting hearings and distributing petitions as official documents;¹⁵⁶ and

¹⁵¹ *In*, *Yearbook of the United*, New York, 1962, p.51.

¹⁵² UN GA Resolution 1654 (XVI)—The situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at the 1066th plenary meeting, 27 November 1961, Available at: <https://www.ilsa.org>

¹⁵³ UN GA Resolution 1654 (XVI)—The situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at the 1066th plenary meeting, 27 November 1961, Available at: <https://www.ilsa.org>

¹⁵⁴ *Ibid*, p.21.

¹⁵⁵ AAE Santos, "The Role of the Decolonization Committee of the United Nations Organization in the Struggle Against Portuguese Colonialism in Africa, 1961-1974", *Journal of Pan Africanist Studies*, Volume 4, No.10, p.248.

¹⁵⁶ *Ibid*, p.251.

African diplomats' efforts to seek recognition of individual petitions and the colonial powers' tireless efforts to prevent those petitions.¹⁵⁷

On 20 December 1971, the GA endorsed the Special Committee's proposal, to take steps, in consultation with the OAU, to enable representatives of national liberation movements in the colonial territories in Southern Africa to participate, in an appropriate capacity, in its deliberations relating to those territories.¹⁵⁸

The Special Committee's proposal was made in the context of the Assembly resolutions by which the Special Committee was directed to send visiting missions to colonial territories and to hold meetings at places where it could best obtain first-hand information on the situation in colonial territories.¹⁵⁹

In accordance with that arrangement, the Special Committee decided to send an Ad Hoc Group to Africa with the purpose of maintaining contacts with the representatives of national liberation movements.¹⁶⁰

Headed by the Chairperson of the Special Committee, the Ad Hoc Group consisted of representatives of Bulgaria, Ethiopia, Sweden, Syria, Tanzania, and Venezuela. It visited the following capitals for approximately two to five working days, starting from 10 May 1971: Lusaka, Dar es Salaam and Addis Ababa.¹⁶¹

While in Africa, the Ad Hoc Group established contacts with the national liberation movements and heard statements by their representatives. As a rule, the Ad

¹⁵⁷ R Burke, *Decolonization and the Evolution of International Human Rights*, University of Pennsylvania Press, USA, 2010, p.6.

¹⁵⁸ UN GA RES/2878—XXVI- endorsement of the Special Committee's proposal was made in terms of Resolution 2878 (XXVI) of 20 December 1971. See chapter 3 for details about this resolution.

¹⁵⁹ This was in reference to the GA Resolution 1654 (XVI) referred to in footnote fifty-one above.

¹⁶⁰ "Report of the Special Committee on the situation with regard to the implementation of the Granting of Independence to Colonial Countries and Peoples, Volume I," General Assembly Official Records, Twenty-Sixth Session, *Supplement No.23 (A/8423/Rev.1)*, United Nations, New York, 1974, p.196.

¹⁶¹ *Ibid.*

Hoc Group held its meetings in public, and those meetings conducted in private were held at the request of the representatives of the movements concerned.¹⁶²

In Lusaka (Zambia), the Ad Hoc Group met with Pascal Luvualu, member of the Central Committee [MPLA]; Nathan Shamuyarira, Secretary-General [ZANU]; Moses Garoeb, Administrative Secretary [SWAPO]; Ray E. Simons, member of the Executive Committee, South African Congress of Trade Unions [SACTU] (South Africa); G.B. Nyandoro [ZAPU]; Paulo J. Gumane, President [COREMO] and Miniban J. Ntundumula, member of COREMO.¹⁶³

The Group also met with A. Fatar, Joint Secretary, Unity Movement of South Africa [UMSA]; and Jane Cool, representative of UMSA in Lusaka; and Grielme Chippa, Captain of the National Union for Total Independence of Angola [UNITA].¹⁶⁴

In Dar es Salaam (Tanzania), the Ad Hoc Group met Duma Nokwe, Director of Political Affairs, ANC (South Africa); Joachim Chissano, Chief Representative, FRELIMO in Tanzania; and Sergio Vieira, Representative of FRELIMO in Egypt; Ahmed G. Ebrahim, Deputy Secretary for Foreign Affairs, PAC (South Africa); Andreas Chipanga, Acting Secretary for Information and Publicity [SWAPO]; Jesaya Nyamu, Information Officer of SWAPO; and Agostinho Neto, President of MPLA.¹⁶⁵

Concerning the question of Namibia, representative of SWAPO, among other things, empathetically rejected any plebiscites in the territory under the auspices of the Republic of South Africa.¹⁶⁶

¹⁶² *Ibid*, p.180.

¹⁶³ *Ibid*, p.179.

¹⁶⁴ *Ibid*.

¹⁶⁵ *Ibid*, p.180.

¹⁶⁶ *Ibid*, p.181.

The representatives of FRELIMO and MPLA reported that their movements controlled approximately one third of their territories, and that where they had established a political and social structure to meet the needs of the people hitherto not met by the Portuguese colonialist authorities.¹⁶⁷

The FRELIMO representative also informed the Ad Hoc Group that information available to them indicated that the allies of Portugal were considering direct military intervention in Mozambique to buttress the Portuguese domination.¹⁶⁸

Representative of the MPLA stated that the Cunene River Basin Project, although at that moment suspended, had the same sinister purpose as the Cabora Basa Dam Scheme, to which particular attention of the Special Committee should be drawn.¹⁶⁹ Given the worries about a possible spill-over of 'SWAPO terrorism' to the Portuguese side of the border, Portuguese officials also started to rethink the mechanisms of local rule in the Cunene region. That included, in the 1960s, a new effort to strengthen the prestige of the chiefs.¹⁷⁰

Meanwhile, the representatives of two movements from South Africa, PAC, and the ANC, repeated their strong call for expulsion forthwith of South Africa and Portugal from the UN and from all its agencies; and strongly appealed to the world body through the Ad Hoc Group to declare its full support of the people in colonial territories and deny the colonists and racists regimes the use of UN facilities for their propaganda.¹⁷¹

¹⁶⁷ *Ibid*, p.182.

¹⁶⁸ *Ibid*.

¹⁶⁹ *Ibid*.

¹⁷⁰ A. Keese, "Developmentalist Attitudes and Old Habits: Portuguese Labour Policies, South African Rivalry, and Flight in Southern Angola, 1945–1974", *Journal of Southern African Studies*, Vol. 41, No. 2, Taylor & Francis, Ltd, 2015, p.250.

¹⁷¹ "Report of the Special Committee on the situation with regard to the implementation of the Granting of Independence to Colonial Countries and Peoples, Volume I," General Assembly Official Records, Twenty-Sixth Session, *Supplement No.23 (A/8423/Rev.1)*, United Nations, New York, 1974, pp.183 - 184.

Representatives of the liberation movements from Zimbabwe stated that they believed no economic sanction against the illegal regime would ever achieve the desired results unless extended to cover South Africa and Portugal, backed using force; and informed the Ad Hoc Group of the dilemma they were placed in regarding assistance from the UN High Commissioner for Refugee (UNHCR).¹⁷²

In general, the representatives of national liberation movements recognised by OAU called upon the UN to give them sole recognition as the sole representatives of the people in Southern Rhodesia/Zimbabwe; Angola; Mozambique; and Namibia.¹⁷³

The Special Committee considered the report of the Ad Hoc Group, which also encompassed the preliminary oral report of the mission's Chairperson, on 10 April 1972. Among other things, the Chairman stated, in the report that the Special Committee believed its recognition of PAIGC as the *de facto* and the sole and authentic representative for the aspirations of the people of the territory should be taken fully into account by the States and by the agencies and other organisations within the UN system in dealing with matters relating to Guinea (Bissau) and Cape Verde.¹⁷⁴

On 13 April 1972, the Special Committee, based on the conclusions of the Mission, adopted a resolution relating to Guinea (Bissau) and Cape Verde. Among other things, it appealed to all States, the specialised agencies, and other organisations within the UN system, directly or indirectly or in consultation with the OAU, to render to the people of Guinea (Bissau) and Cape Verde, through their national liberation movement—PAIGC—all moral and material assistance necessary to continue their struggle for self-determination and independence.¹⁷⁵

¹⁷² *Ibid*, p.184.

¹⁷³ *Ibid*, pp.184-185.

¹⁷⁴ "Consideration by Special Committee," *Yearbook of the United Nations*, New York, 1972, p.586.

¹⁷⁵ *Ibid*, p.587.

On 20 April 1972, the Special Committee adopted another resolution relating to all the Portuguese administered territories. In particular, the Committee expressed its appreciation for the renewed invitations extended to it by the MPLA and the FRELIMO to visit the liberated areas of Angola and Mozambique and asked its chairman to continue consultations with the OAU and with the liberation movements to work out the necessary modalities for the dispatch of a special mission to those territories.¹⁷⁶

Within the context of the GA resolution by which it was authorised to meet elsewhere than at Headquarters [New York City] in the discharge of its functions, the Special Committee held a series of meetings in Africa between 10 and 28 April 1972. The purpose of these meetings was to underscore the solidarity of the UN with the colonial peoples struggling for freedom and to enlarge the Committee's capacity to help those peoples in realising their aspirations.¹⁷⁷

During its meetings in Africa, the Special Committee heard at Conakry statements by representative of the PAIGC (Guinea-Bissau) and Cape Verde. At Lusaka, the Special Committee heard representatives of the MPLA (Angola); COREMO and FRELIMO (Mozambique); ZAPU, ZANU and FROLIZI (Zimbabwe); SWAPO (Namibia); ANC and UMSA (South Africa). At Addis Ababa, it heard FNLA (Angola); SWANUF (Namibia); and the Movement for Liberation of Djibouti [MLD] (Djibouti).¹⁷⁸

On 28 August, the Special Committee, after discussion, decided to consider inviting, in consultation with the OAU and through it, the representatives of the

¹⁷⁶ *Ibid*, p.588.

¹⁷⁷ "General Aspects of Implementation of the Declaration: Consideration by Special Committee," *Yearbook of the United Nations*, New York, 1972, p.540.

¹⁷⁸ "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 Volume I," *General Assembly Official Records*, Twenty-Seventh Session, Supplement No.23 (A/8723/Rev.1), United Nations, New York, 1972, p.130.

liberation movements concerned to participate, whenever necessary and in an observer capacity, in its proceedings relating to their territories.¹⁷⁹

The Special Committee, further decided to recommend to the Assembly that it make available the necessary funds for that purpose in 1973. These recommendations were approved by the GA on 2 November 1972 in terms of GA Resolution 2908 (XXVII).¹⁸⁰

In 1973, and as envisaged in its 1972 report to the GA, the Special Committee decided, in consultation with the OAU, again decided to invite representatives of the national liberation movements of the colonial territories in Africa to take part as observers in its proceedings relating to their respective countries.¹⁸¹

The Special Committee, therefore, recommended that the Assembly continue with the arrangements concerning participation of the liberation movements in question in its work during 1974, and of the Fourth Committee for that matter.¹⁸²

In response, representatives of the ZAPU and ZANU (Zimbabwe); FNLA and MPLA (Angola); FRELIMO (Mozambique); SWAPO (Namibia); PAIGC (Guinea Bissau and Cape Verde); and Movement for Liberation of Comoros [MOLINCO] (Comoro Archipelago) took part as observers in the relevant proceedings of the Special Committee during 1973.¹⁸³

¹⁷⁹ UN GA Resolution 2908 (XXVII)—Implementation of the Declaration on the Granting of Independence to Colonial Countries and People, adopted at the 2079th Plenary Meeting, 2 November 1972, <https://undocs.org> (accessed on 20 November 2021).

¹⁸⁰ *Ibid.*

¹⁸¹ *Yearbook of the United Nations*, New York, 1973, p.664.

¹⁸² *Ibid.*

¹⁸³ “Question of the participation of national liberation movements in the work of the United Nations”, Report of the Special Committee with regard to Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples Volume I, *General Assembly Official Records*, Twenty-Eighth Session, Supplement No.3, (A/9023/Rev.1), United Nations, New York, 1975, p.34.

Together, those observers gave the Special Committee information on the situation in their territories, as well as the progress of the liberation struggle and the needs thereof.¹⁸⁴ The SWAPO was represented by Petuse Norah Appolus, who made statements at Special Committee's meetings, on 25 and 29 June, respectively.¹⁸⁵ T. George Silundika stood for the ZAPU, while ZANU was represented by S.V. Mtambanengwe, who made statements at the Special Committee meeting on 23 April.¹⁸⁶

The FNLA was represented by Sasa Mbala; MPLA by Mesamesa Tshamba, and the FRELIMO by Manuel Jorge, who made statements before the Special Committee at its meetings held between 18 and 22 June.¹⁸⁷ Marcelino dos Santos, Vice-President of FRELIMO, also participated in the Special Committee 's proceedings in relation to massacre of villagers in Mozambique.¹⁸⁸

Participating for the first time in the work of the Special Committee in the capacity of observer, Petuse Norah Appolus (SWAPO) stated that the Namibian people were determined to continue their opposition to the illegal South African regime in Namibia, which was herding the people like cattle into homelands and depriving them of fundamental human rights.¹⁸⁹

¹⁸⁴ "The representation of National Liberation Movements in the United Nations Organs: Legal Opinion prepared for the Under-Secretary-General, Office for Inter-Agency Affairs and Coordination," *Judicial Yearbook of the United Nations*, United Nations, 1974, p.151.

¹⁸⁵ "Report of the Special Committee on the Granting of Independence to Colonial Countries and Peoples," Volume III, Supplement No.23, Document A/9023/Add2, *General Assembly Official Records*, Twenty-Eight Session, United Nations, New York, 1975, p.69.

¹⁸⁶ "Report of the Special Committee on the Granting of Independence to Colonial Countries and Peoples," Volume III, Supplement No.23, Document A/9023/Add.1, *General Assembly Official Records*, Twenty-Eight Session, United Nations, New York, 1975, p.3.

¹⁸⁷ "Report of the Special Committee on the Granting of Independence to Colonial Countries and Peoples," Volume III, Supplement No.23, Document A/9023/Add.3, *General Assembly Official Records*, Twenty-Eight Session, United Nations, New York, 1975, p.108.

¹⁸⁸ *Ibid.*

¹⁸⁹ *Yearbook of the United Nations*, New York, 1973, p.223.

At the same time, according to Appolus, the South African Government had flouted international public opinion by pretending that it was willing to negotiate seriously; and that dialogue with that Government should be ended.¹⁹⁰

Mtambanengwe (ZANU), among other things, assured the Special Committee that the struggle for national liberation would continue until Zimbabwe was entirely liberated, and said that the intensity of the war had made the illegal regime utterly desperate and led it to employ brutal repressive measures against the African population.¹⁹¹

Silundika (ZAPU), among other things, urged the Special Committee to recommend that action be taken against the countries and corporations which were contravening sanctions, and appealed for more effective international aid to the national liberation movements which would consider the military repercussions being given to the illegal regime by South Africa.¹⁹²

Together, the representatives of the FNLA, MPLA and the FRELIMO provided the Special Committee with information on new developments in their armed struggle and on progress made in national reconstruction in the liberated areas; and paid special tribute to Amilcar Cabral, leader of PAIGC who was assassinated on 20 January 1973.¹⁹³

2.2.3 UN Council for Namibia

The UN Council for Namibia was established under the terms of the GA Resolution 2248 (S-V) of May 1967. First it was the UN Council for South West Africa, and later in 1968 renamed the UN Council for Namibia, when the Assembly proclaimed

¹⁹⁰ *Ibid*, pp.223-224.

¹⁹¹ *Ibid*, p.120.

¹⁹² *Ibid*, p.121.

¹⁹³ *Ibid*, p.741.

that, in accordance with the wishes of its people, the Territory would be thenceforth known as Namibia.¹⁹⁴

The Council was created to function as the legal government of Namibia in international fora.¹⁹⁵ Its functions and powers were among other things, to transfer all powers to the people of Namibia upon the declaration of independence. In the exercise of its powers, the Council was accountable to the Assembly.¹⁹⁶

Composed of Chile; Columbia; Guyana; India; Indonesia; Nigeria; Pakistan Turkey; United Arab Republic (Egypt); Yugoslavia; and Zambia, members of the UN Council for Namibia were elected by the GA on 13 January 1967.¹⁹⁷

Since start, the UN Council for Namibia has consulted with various Namibia groups. For instance, it reported to the twenty-seventh session of the GA saying that it was not able to resolve the question of participation of Namibians in its work.¹⁹⁸

Nevertheless, the Council stated that it was gratified to note that the opportunity given to representatives of the Namibian people to attend the meetings of the Council as observers, was accepted by the representative of SWAPO.¹⁹⁹ To also give an opportunity to all Namibians, especially those could not come to New York or who had no representatives there, the Council requested its Mission to consult with them or with their representatives during its visits to Europe and Africa.²⁰⁰

¹⁹⁴ "Namibia UNTAG: Background," Available at: <https://peacekeeping.un.org>

¹⁹⁵ L Berat, "Namibia: The Road to Independence and The Problem of Succession of States," *Journal of Political Science*, Volume 18, No.1, Article 10, November 1990, p.33.

¹⁹⁶ GA Resolution 2248 (S-V)—Question of South West Africa, adopted at the 1518 h plenary meeting, 19 May 1967, Available at <https://digitallibrary.org>

¹⁹⁷ *Ibid.*

¹⁹⁸ "Report of the United Nations Council for Namibia," Volume I, *General Assembly Official Records*, Twenty-Seventh Session, Supplement No.24 (A/8724), United Nations, New York, 1972, p.29.

¹⁹⁹ *Ibid.*

¹⁹⁹ "Report of the United Nations Council for Namibia," Volume I, *General Assembly Official Records*, Twenty-Seventh Session, Supplement No.24 (A/8724), United Nations, New York, 1972, p.29.

²⁰⁰ *Ibid.*

Subsequently, in Kenya and Istanbul, the mission met with Jackson Kambode, Foreign Secretary of the South West African United Front (SWANUF) and Charles Kauraisam the External Secretary, also representing Gerson Veii, President of SWANUF.²⁰¹ Based on the conclusions and recommendations of the Mission, the UN Council for Namibia also granted requests for hearings, among others, to Theo-Ben Gurirab of the SWAPO in January and Sam Nujoma in May 1972.²⁰²

On 19 December 1972 and 7 May 1973, the Council heard Charles Kauraisa of SWANU. Kauraisa congratulated the Council on the position it had taken, particularly during the discussion of the question of Namibia in the SC; and stated, amongst other things, that his organisation (SWANU) had consistently stressed that the Council for Namibia should be properly constituted with a distinct administrative machinery and a permanent Commissioner to carry out executive and administrative tasks.²⁰³

During 1973, the Council conducted its mission in Africa and Europe and held special session in Lusaka, Zambia. There, it met with leaders of SWAPO including its President Sam Nujoma and its Acting Secretary for Foreign Affairs, Peter Mweshinhanga, accompanied by Shohana Shikomba, Representative of SWAPO in East Africa and Simon Kankwanga, Director of SWAPO Elders.²⁰⁴

From 6 to 14 June 1973, the Council held a special session which was attended by a delegation of the Government of Zambia, led by E.H.K. Mudenda, Minister for Foreign Affairs. The SWAPO delegation fully took part in the session in an observer capacity. Sam Nujoma and all delegations made statements during the session.²⁰⁵

²⁰¹ *Ibid*, pp.9-10.

²⁰² *Ibid*, pp.30-31.

²⁰³ "Report of the United Nations Council for Namibia", *General Assembly Official Records*, Twenty-Eighth Session, Supplement Non.24 (A/9024), United Nations, New York, 1974, p.65.

²⁰⁴ *Ibid*, p.30.

²⁰⁵ *Ibid*.

On 14 June, by a unanimous decision, the Council adopted the Lusaka Declaration on the UN Council for Namibia. It said, amongst other things: that it was incumbent on all nations to actively support the struggle of the Namibian people, both politically and materially including closer collaboration with SWAPO and close cooperation with the OAU.²⁰⁶

Following the Council's report, the GA in Resolution 3031(XXVII), requested the UN Council for Namibia, *inter alia*, to ensure the participation appropriate capacity of the Namibian people in its activities.²⁰⁷ Also, by the same text, the Assembly requested the Secretary-General, to take effective steps, including, among other things: the need for increased moral, political and material assistance to the people of Namibia and their liberation movement.²⁰⁸

Subsequently, the UN Council for Namibia reported to the twenty-eighty session of the GA that it had granted observer status to SWAPO, the Namibian liberation movement recognised by the OAU. Thus, the representative of SWAPO in New York participated fully in all the meetings of the Council.²⁰⁹ Accordingly, whenever the situation demanded, the delegation of SWAPO was led by its President, Sam Nujoma, who informed the Council of the significance of important developments affecting Namibia and took an active role in the Council's discussions²¹⁰, and enlarged the membership of the Council to 25.²¹¹

²⁰⁶ *Ibid*, p.31.

²⁰⁷ UN GA Resolution 3031 (XVIII)—Question of Namibia, in U.N. General Assembly Resolution on Namibia, *International Legal Materials*, Volume 12, No.2, Cambridge University Press, March 1973, p.442.

²⁰⁸ *Ibid*.

²⁰⁹ "Report of the United Nations Council for Namibia," Volume I, General Assembly Official Records, Twenty-Seventh Session, Supplement No.24 (A/8724), United Nations, New York, 1972, p.29.

²¹⁰ "The representation of National Liberation Movements in the United Nations Organs: Legal Opinion prepared for the Under-Secretary-General, Office for Inter-Agency Affairs and Coordination," *Judicial Yearbook of the United Nations*, United Nations, 1974, p.152.

²¹¹ The Council was now composed of the following member states: Algeria, Australia, Haiti, Bangladesh, Botswana, Burundi, Chile, Colombia, Egypt, Finland, Guyana, India, Indonesia, Liberia, Mexico, Nigeria, Pakistan, Poland, Romania, Senegal, Turkey, Union of Soviet Socialist Republics (USSR), Yugoslavia and Zambia.

In Resolution 3111 (XXVIII) of 12 December 1973, the GA recognised that the national liberation movement of Namibia, SWAPO was the authentic representative of the Namibian people and supported the efforts of the movement to strengthen national unity.²¹²

The Assembly also called on all specialised agencies and other organisations within the UN system to take the necessary steps to enable the UN Council for Namibia, as the legal authority for the territory, to participate fully in the work of those agencies and organisations.²¹³ In addition, the GA decided to defray the expenses of a representative of the SWAPO when accompanying such missions as the UN Council for Namibia might determine and whenever called for consultation by the Council.²¹⁴

By Resolution 3295 (XXIX), the Assembly approved the report of the UN Council for Namibia: authorised adequate financial provision in the budget of the Council to finance an office for SWAPO in New York; and decided to defray the expenses of a representative of SWAPO when on any mission approved by the Council.²¹⁵

Also, by the same resolution, the GA requested all inter-governmental and non-governmental organisations and conferences to, among other things, co-operate with the UN Council for Namibia and SWAPO in the elaboration of programmes for assistances to Namibians and programmes of dissemination of information.²¹⁶

²¹² UN GA Resolution 3111 (XXVIII)—Question of Namibia, adopted at the 2198th plenary meeting, 12 December 1973, Available at <https://www.refworld.org>

²¹³ *Ibid.*

²¹⁴ *Ibid.*

²¹⁵ UN GA Resolution 3295 (XXIX)—Question of Namibia, adopted at the 2318th plenary meeting 13 December 1974, Available at: <https://www.refworld.org>

²¹⁶ *Ibid.*

In addition, the Assembly requested all its committees and sub-committees to invite the representative of the UN Council for Namibia and of SWAPO to take part in their meetings whenever the rights and interests of Namibia were discussed.²¹⁷

By its decision of 14 May 1974, the UN Council for Namibia had accepted the invitation to be represented at the OAU Council of Ministers' twenty-eighth ordinary session to be held at Mogadishu, Somalia, from 6 to 11 June 1974. On 6 June, after hearing the opening address by the President of the Revolutionary Council of Somalia, Mohamad Jaalle Siyad Barre, the Council of Ministers elected its officers, adopted its agenda, and referred the question of Namibia to its political committee for consideration.²¹⁸

During the discussion of the question of Namibia, Sam Nujoma, the President of SWAPO issued an aide memoire. Nujoma stated that, on 11 December 1973, the SC had unanimously adopted Resolution 342 (1973) which was the culmination of the consistent efforts of SWAPO with the support of OAU, to put an end to the 'contacts' between the Secretary-General of the UN and the Government of South African because SWAPO firmly believed that those contacts were an exercise in futility and that South Africa was not really sincere.²¹⁹ In all that, Nujoma said they would like and were requesting the OAU to take the initiative by having its Member States request the SC to convene as soon as possible and to consider enforcement measures under Chapter VII of the Charter.²²⁰

Through the Council, SWAPO was also able to take part in the work of the various bodies in which the Council itself had representation. These bodies included, among others: the United Nations High Commissioner for Refugees (UNHCR); the

²¹⁷ *Ibid.*

²¹⁸ "Report of the United Nations Council for Namibia", Volume II, *General Assembly Official Records*, Twenty-Ninth Session, Supplement No. 24 (A/96 24), New York, 1975, p.31.

²¹⁹ *Ibid*, pp.31-32.

²²⁰ *Ibid*, p.32.

United Nations Educational, Scientific and Cultural Organisation (UNESCO); the World Health Organisation (WHO), the United Nations Children’s Emergency Fund (UNICEF); and the Food and Agricultural Organisation (FAO).²²¹

In practice, representatives of the SWAPO had taken part fully, in an observer capacity, in the meetings of the UN Council for Namibia since 1972 and continued to do so, until independence of Namibia in 1990.

2.2.4 UN Economic Commission for Africa

Headquartered in Addis Ababa, Ethiopia, the Economic for Africa (ECA) was set up in 1958 under Resolution 671A (XXV) of the ECOSOC. In the exercise of its power, the ECOSOC, not only set up the ECA but also prescribed the legal framework in relation to its functions and membership. This legal framework was referred to in the resolution that set up the Commission as ‘the Terms of Reference of the ECA.’²²²

The framework provided that the ECA should be subject to the general supervision of the ECOSOC in the performance of its functions which should be within the framework of the UN, and that the ECA should take no action with respect to any country without the agreement of that country.²²³

In particular, the function of the ECA was to initiate and participate in measures for facilitating concerted action for the economic and social development of Africa with a view to raising the level of activity and levels of living standard in Africa, and for

²²¹ “Report of the United Nations Council for Namibia,” Volume I, *General Assembly Official Records*, Twenty-Seventh Session, Supplement No.24 (A/9624), New York, 1974, pp.38-39.

²²² ECOSOC, Resolution 671 A (XXV)—Terms of Reference of Economic Commission for Africa, adopted by the Economic and Social at its 101st meeting held on 29 April 1958 and amended by the Council at its Twenty-Six Session, <https://repository.uneca.org>

²²³ AH Akiwumi, “The Economic Commission of Africa,” *Journal of African Law*, Volume, 16, No.3, School of Oriental and African Studies 1972, p.254.

maintaining and strengthening economic relations of the countries and territories of Africa both among themselves and with other countries of the world.²²⁴

As a regional organisation, the Commission covered the whole continent of Africa, Madagascar, and other African Islands, e.g., Mauritius. Its membership was of two kinds, full and associate. All independent states of Africa were full members with voting rights, also those metropolitan countries, like the United Kingdom (UK) and France, with territorial and colonial responsibilities in Africa; but these ceased, however, to be members once they relinquished any such responsibilities. Associate members consisted of non-self-governing or dependent territories and had no voting rights, they could take part fully in the work of the Commission, in debates and discussion, in plenary or committee meetings.²²⁵

The ECA had a membership of thirty-seven (37) members and seven associate members. Members of the UN, not members of the Commission, could attend the sessions of the Commission as observers, also UN specialised agencies, international organisations like the International Confederation of Free Trade Unions (ICFTU) or similar bodies.²²⁶

The ECA has since its establishment been sending yearly reports to the GA via ECOSOC on its activities and plans, including those of any subsidiary bodies. In 1963, for instance, the ECOSOC reconsidered its decision on the recommendation of the ECA in respect of the membership of Portugal and South Africa in the Commission. By this decision, the Council had rejected the suspension of Portugal and South Africa's membership from the ECA.²²⁷ Their suspension because it was evident from

²²⁴ *Ibid.*

²²⁵ BTG Chidzero, "The United Nations Commission for Africa," *African Studies Bulletin*, Volume 6, No.3, Cambridge University Press, May 1963, p.2.

²²⁶ *Ibid.*

²²⁷ "Draft Resolution for Action by the Economic and Social Council,' Economic Commission for Africa, Annual Report, *Economic and Social Council Official Records*, Thirteen Sessions, Supplement No.10, United Nations, New York, 1963, p.49.

the attitude already expressed by the members that the Council was not expected to take radical action, and that other members raised the question of interference in domestic affairs of certain states.²²⁸

After debating the membership issue, the ECOSOC adopted a draft resolution by which it decided to transmit the recommendations of the ECA to the GA.²²⁹ Subsequently, in Resolution 974 D (IV) of 30 July 1963, the Council decided to expel Portugal from the membership of the ECA, and to suspend South Africa from participating in the work of the Commission.²³⁰

Thereafter, a question arose as to how the non-self-governing territories of Angola, Mozambique, Guinea-Bissau and Namibia being associate members of the ECA should be represented in the Commission and who should designate such representatives.²³¹

Following consideration by the ECOSOC, and by successive sessions of the ECA, the Commission recommended in 1969 concerning associate membership for Angola, Mozambique, Guinea-Bissau and Namibia ‘that the OAU should propose the names of representatives of the peoples of the countries in question and inform the Executive Secretary [of the ECA] accordingly to enable him to bring the matter before the GA’.²³²

²²⁸ “Reports of the Regional Commissions”, *Agenda Item 12*, 1290th Meeting, UN Economic and Social Council, Thirty-Six Session, Official Records, 22 July 1963, p.199.

²²⁹ “Draft Resolution for Action by the Economic and Social Council,” Economic Commission for Africa, *Annual Report*, Economic and Social Council Official Records, Thirteen Sessions, Supplement No.10, United Nations, New York, 1963, p.49.

²³⁰ “Resolution 974 D (IV)—Terms of reference of the Economic Commission for Africa: Membership”, Resolutions adopted by the Council during its Thirty-Sixth Session, 1299th Plenary Meeting, 30 July 1963, Available at: <https://undocs.org>

²³¹ “The representation of National Liberation Movements in the United Nations Organs: Legal Opinion prepared for the Under-Secretary-General, Office for Inter-Agency Affairs and Coordination,” *Judicial Yearbook of the United Nations*, United Nations, New York, 1974, p.151.

²³² “Economic Commission for Africa,” Annual Report (1 March 1960-February 1969), Document E/4651, *Economic and Social Council Records*, Forty- Seventh Session, United Nations, New York, 1969, p.145.

Following that recommendation, the OAU in November 1970, proposed the names of persons to stand for the territories in question, those persons in each case the President or as senior office holder of the liberation movement recognised by the OAU.²³³

The proposed representatives of Angola, Guinea-Bissau and Mozambique on the ECA were: Agostinho Neto, President of MPLA (Congo Brazzaville, People's Republic of the Congo); Roberto Holden President of the FNLA (Kinshasa, Democratic Republic of the Congo); Amilcar Cabral Secretary-General of the PAIGC (Conakry, Guinea); and Marcelino Dos Santos Vice-President in Charge of External Relations of the FRELIMO (Dar es Salaam, United Republic of Tanzania).²³⁴ Sam Nujoma, President of the SWAPO was added to the list of the proposed OAU representatives at the Tenth Session of Council of Ministers, held in Tunis, Tunisia from 8-13 February 1971.²³⁵

The participation for the time, of the representatives of Guinea (Bissau), Mozambique and Namibia in the work of the ECA was welcomed by the OAU Conference of Ministers.²³⁶ On that basis, the Conference requested the Executive Secretary [of the ECA] to do everything in his power to assist the liberation movements of African countries under colonial domination, in their preparation for accession to

²³³ "Annex II: Proposed Representatives of Angola, Guinea (Bissau) and Mozambique on the Commission," Economic Commission for Africa Annual Report (15 February 1970 - 13 February 1971) Volume I, *Economic and Social Council Official Records*, Fifty-First Session, Supplement No.5, United Nations New York, 1971, p.141.

²³⁴ *Ibid.*

²³⁵ "Question of Representation of Angola, Mozambique, Guinea (Bissau) and Namibia in the Economic Commission for Africa," Document E/CN.14/511, Annex, *List of Representatives of the Peoples of Non-Self-Governing Territories*, United Nations Economic and Social Council, 27 January 1971.

²³⁶ "Participation of Angola, Guinea (Bissau), Mozambique and Namibia in the work of the Commission," Economic Commission for Africa Annual report (15 February 1970 - 13 February 1971) Volume I *Economic and Social Council Official Records*, Fifty-First Session, Supplement No.5, United Nations New York, 1971, p.124.

national sovereignty in the best possible conditions by providing them with the means for training competent senior officials.²³⁷

In accordance with practice, the proposed representation required the approval of the GA. As for the case of Angola, Mozambique, and Guinea (Bissau), the names of the proposed representatives were duly submitted to Assembly which expressly approved in terms of Resolution 2795 (XXVI) of 10 December 1971.²³⁸

Based on the foregoing, the GA affirmed that the Angolan, Mozambican and Guinea-Bissau and Cape Verde national liberation movements were the sole legitimate representative of the people of those territories.²³⁹ Also, the Assembly recommended that, pending the accession of those Territories to independence, all Governments, the specialised agencies and other organisations within the UN system and UN bodies concerned should when dealing with matters pertaining to the Territories, ensure their representation by the liberation concerned in an appropriate capacity and in consultation with the OAU.²⁴⁰

In the case of Namibia, the GA had delegated authority to the UN Council for Namibia to administer South West Africa until independence and to exercise other governmental functions, in accordance with Resolution 2248 (S-V).²⁴¹ It, therefore, followed that the UN Council for Namibia was the appropriate body to approve arrangements for the representation of the Territory in the ECA. Accordingly, the name

²³⁷ *Ibid.*

²³⁸ UN GA Resolution 2795 (XXVI)—Question of Territories under Portuguese Administration, adopted at the 2012th plenary meeting, 10 December 1971, Available at: www.worldlii.org

²³⁹ UN Resolution 2918 (XXVII)—Question of Territories under Portuguese Administration, 2084th Plenary Meeting, 14 December 1972, Available at: <http://www.worldlii.org>

²⁴⁰ *Ibid.*

²⁴¹ See footnote 83.

of the proposed representative was submitted to the Council, which approved the nomination at its 98th meeting held on 22 January 1971.²⁴²

In the beginning, there was no indication that the Namibian representatives would be acting on behalf of the Council for Namibia, but rather it was understood that he would act as the President of SWAPO, and in this capacity would be able to express the views of the people of Namibia at the meetings of the ECA. Thus, in 1971, SWAPO's President Sam Nujoma's name was added to the list of the OAU proposed representatives.²⁴³

In reporting to the Fifth Session of the ECOSOC, the ECA referred to the approval by the GA of the representation of Angola, Mozambique, and Guinea (Bissau), contained in the Assembly Resolution 2795 (XXVI)²⁴⁴, and to the approval by the UN Council for Namibia, at its 98th meeting, of the Namibian representative²⁴⁵.

On that basis, the Commission reported that the representatives of Angola, Guinea-Bissau, Mozambique, and Namibia were invited to participate in the Commission as associate members; and that they had been invited to the third meeting of the Technical Committee of Experts held in Addis Ababa, Ethiopia in September 1972.²⁴⁶

In accordance with the ECA Resolution 233(X) of 13 February 1971 on the participation of Angola, Guinea-Bissau, Mozambique, and Namibia in the work of the Commission, the Executive Secretary discussed with the representatives of the

²⁴² "Report of the United Nations Council for Namibia," *General Assembly Official Records*, Twenty-Sixth Session, Supplement No24 (A/8424), United Nations, New York, 1972, p.12.

²⁴³ See footnote 109.

²⁴⁴ See footnote 112.

²⁴⁵ See footnote 116.

²⁴⁶ "Economic Commission for Africa Annual Report (14 February 1972- 23 February 1973)", Document: E/5253 E; CN. 14/59, *Economic and Social Council Official Records*, Fifty-Fifth Session Supplement No.3, United Nations, New York, 1973, p.1.

territories who attended the third meeting of the Technical Committee of Experts the assistance that the Commission could provide to the peoples of those territories.²⁴⁷

It is seen therefore that since 1971, Angola, Guinea-Bissau, Mozambique and Namibia had been represented in the ECA through the President, Vice-President, or Secretary-General of their respective national liberation movements, recognised by the OAU. Except in the case of Guinea-Bissau, following its accession as the Republic of Guinea-Bissau (in 1973), the representation of the other territories remained in effect until independence.²⁴⁸ These were Angola, Mozambique; Zimbabwe; Namibia; and South Africa.

The independence of Guinea-Bissau came as a result of claims that Portugal was no longer capable of ruling over most of the territory. Accordingly, since 1968, Amilcar Cabral, the PAIGC leader had started to contemplate unilateral proclamation of independence as part of his strategy to win the war against the Portuguese—an issue that was postponed several times. It only came to fruition in the 1970s following recognition by UN of the PAIGC as the sole and authentic representative population. The PAIGC held elections to the People’s National Assembly and established the Republic of Guinea-Bissau on 24 September 1973.²⁴⁹

2.3 Conclusion

This chapter’s focus was on practice for representation of national liberation at the UN. As noted, there no pertinent rules and procedures for representation of national liberation movements in the UN, during its formative years. It is revealed, in

²⁴⁷ *Ibid.*

²⁴⁸ *Ibid.*

²⁴⁹ GM Houser, “Independence of Guinea-Bissau”, *Ufahamu: Journal of Africa Studies*, Available at: <https://escholarship.org/uc/item/4zk36977>

the chapter that those rules and procedures evolved out of the authorising decisions of the GA and ECOSOC. *Inter alia*, as illustrated, the practice was that the representatives of liberation movements were invited through the OAU; and that invitations were transmitted by the Secretary-General after the decision to invite them had been taken by the relevant GA organ or committee. As noted, such practice arose primarily from the UN GA organs or committees—the Fourth Committee of the GA; the Special Committee on Independence; the UN Council for Namibia and the ECA. As seen, the FRELIMO; ZAPU and ZANU; MPLA and FNLA; SWAPO; and ANC and PAC, took part in those committees and organs according to the UN practice. The following chapter discusses reactions and responses to the representation of national liberation movements at the UN.

CHAPTER 3: UN REACTIONS AND RESPONSES TO THE REPRESENTATION OF NATIONAL LIBERATION MOVEMENTS

3.1 Introduction

This chapter is divided into three sections. The first section introduces the subject of UN reactions and responses to the representation of national liberation movements. It continues to describe, in the next section, decisions of the GA adopted during the period between 1965 and 1974, to outline the UN those reactions and responses. The last section concludes the chapter by providing a summary and highlights flowing from the main discussion.

When the UN was formed, national liberation movements were not regarded as equal stakeholders with the sovereign States in international institutions. This was because they fell within the authority of the administering powers. Later, considering the wave of African independence in 1960, they were given an international political platform to deliberate on the future of their countries alongside the primary lawmakers (States) in the UN. The association of national liberation movements with the UN resulted in independence and freedom for the people in colonial countries. After 1960, for example, the increasing African representation in the UN enlarged the GA, thereby making the region the largest bloc in the UN.²⁵⁰

However, it must be noted that several factors mediated the results of the struggles for self-determination, independence, and freedom in Africa. There is a deduction that the struggles for self-determination and independence were mediated by many factors: colonial education, the churches, ideas and expressions of support from individuals of African ancestry through the Pan-African movement, the exposure

²⁵⁰ C O'Sullivan, "The United Nations, decolonization and self-determination in cold war sub-Saharan Africa, 1960-1994", *Journal of Third World Studies*, 22(2), University of Florida, 2005, p.103.

to the world through First and Second World Wars and, of course, the forum provided briefly by the League of Nations and later by the UN.²⁵¹

Arguably, the UN has, over the years, acknowledged the role of national liberation movements in decolonisation.²⁵² This was significant because it established the movements' international legal personality irreversibly.²⁵³ It was expressed through the UN GA's decisions that offered international aid and support to the liberation movements.²⁵⁴ Others observe that it was expressed when the UN resolved, in cooperation with the OAU, to invite as observers regularly, the representatives of national liberation movements recognised by the OAU to participate in the relevant work of the Main Committees of the GA and its subsidiary organs, as well as conferences, seminars and other meetings held under the auspices of the UN which related to their countries.²⁵⁵

The acknowledgement of the role was also expressed when the GA requested the Secretary-General, Kurt Waldheim²⁵⁶ in consultation with the OAU, to ensure that the necessary arrangements were made for the liberation movements' effective participation, including the requisite financial provisions.²⁵⁷ It appears that a pattern was established as far of the UN's acknowledgement of the role of liberation

²⁵¹ VG Shimiyyu, "African nationalism and the struggle for freedom." In *Elija Masindi: A biography*, Nairobi, Kenya, East African Educational Publishers, 1997, pp. 178-179.

²⁵² Y El-Ayouty, "Legitimisation of national liberation: The United Nations and Southern Africa", *Journal of Opinion*, 2(4), 14 African Studies Association (Winter), 1972, p.36.

²⁵³ C Brolman, *The international veil in public international law: International organisations and law of treaties.*, Oxford: Hart Publishing, 2007, p.9.

²⁵⁴ Y El-Ayouty, "Legitimisation of national liberation: The United Nations and Southern Africa," *Journal of Opinion*, 2(4), 14 African Studies Association (Winter), 1972, p.36.

²⁵⁵ M Shaw, "The International Status of National Liberation Movements," *Liverpool Law Review*, Volume 1, 1983, p.24.

²⁵⁶ He was born at Sankt Andra-Wordern, near Vienna, Austria, on 21 December 1918, and became the Secretary-General of the UN from 1972 to 1982.

²⁵⁷ M Shaw, "The International Status of National Liberation Movements," *Liverpool Law Review*, Volume 1, 1983, p.24.

movements in decolonisation was concerned. This is a pattern that is obscured and, therefore, creates a lacuna in the historiography of the African region.

An important starting point for understanding the UN's recognition of the role of national liberation movements in decolonisation is examining the GA's decisions on aid and support for the movements. This is especially true for those that were adopted during the period between 1965 and 1974. An analysis of these decisions is critical because they had a significant political impact.²⁵⁸ Also, analysing the decisions is critical because they served as a core of concentration in several significant ways. For example, they made the UN GA both the political pivot and the institutional pith of the entire UN system.

3.2 The GA decisions on acknowledging the role of liberation movements in decolonisation.

At its twentieth session, on 20 December 1965, the GA adopted Resolution 2105 (XX). It envisaged the legality of petitions by the inhabitants of the territories inhabited by a people as defined under general international law. This law provided that all peoples inhabiting those territories and colonies were entitled to be enabled by administering States to freely and without interference from any quarter, to exercise their inalienable and universal right to self-determination. Accordingly, failure to implement this law gave people the right, including using armed struggle, to fight for independence as a last resort.²⁵⁹

Adopted on the recommendation of the Special Committee on independence, Resolution 2105 (XX) had 23 sponsors, namely; Afghanistan, Algeria, Burundi,

²⁵⁸ M Martin-Bosch, "How Nations Vote in the General Assembly of the United Nations," *International Organization*, 41, no. 4, 1987, p.705.

²⁵⁹ P ya Nangoloh, *Petition, Caprivi Strip: A sacred Trust of Civilization Betrayed or Forgotten UN Decolonization Obligation? Advocating Universal Realization of Right of Self-Determination*, Windhoek, Namibia, 2013, pp.4-5.

Ceylon, Ethiopia, Ghana, Guinea, India, Iraq, Ivory Coast, Kenya, Mali, Mauritania, Nigeria, Rwanda, Sierra Leone, Somalia, Tunisia, Uganda, United Arab Republic (Egypt), Tanzania, Yemen and Yugoslavia.²⁶⁰ It was approved by the Assembly by a roll-call vote of 74 to 6, with 27 abstentions. The resolution marked a fundamental shift whereby the principle of self-determination was admitted to constituting a rule of international law, not a mere moral precept even though the UN was not able to specify the precise content of the right.²⁶¹ For national liberation movements, in particular, the resolution was the first step towards victory in their struggle, because it gave them a *locus standi* in international law and relations.²⁶² This was generally an expression of satisfaction by the liberation movements as far as actions of the UN were concerned.

Under Resolution 2105 (XX), the GA, requested the Special Committee on independence: to continue to perform its task and to continue to seek the most effective means for the immediate and full application of the Declaration on Independence to all Territories (in Africa) which have not yet attained independence; and to pay particular attention to the small Territories and to recommend to the GA the most appropriate ways, as well as the steps to be taken, to enable the populations of those Territories to exercise fully their right to self-determination and independence.²⁶³

The Assembly also requested the Special Committee on independence, whenever it considered it appropriate, to recommend a deadline for the accession to independence of each Territory by the wishes of the people; and recognised the colonial peoples' struggle by the peoples under colonial rule to exercise their right to

²⁶⁰ These sponsors were: Afghanistan, Algeria, Burundi, Ceylon, Ethiopia, Ghana, Guinea, India, Iraq, Ivory Coast, Kenya, Mali, Mauritania, Nigeria, Rwanda, Sierra Leone, Somalia, Tunisia, Uganda, United Arab Republic (Egypt), Tanzania, Yemen, and Yugoslavia. *In*, *Yearbook of the United Nations*, New York, 1965, p.552.

²⁶¹ O Ukodang, 'The Role of the New States in International Law,' *Archive des Völkerrechts*, 15. Bd., No. 2, 1971, p.182.

²⁶² EU Olalia, "The Fundamental Right of Peoples to Struggle," *Dissent*, Issue No.5, 2006, p.14.

²⁶³ UN GA RES/2105 (XX)—Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at its 1405th meeting, 13 December 1965, Available: World Legal Institute, <http://www.wordlii.org>

self-determination and independence; and invited all States to provide material and moral assistance to the national liberation movements in colonial territories.²⁶⁴

In 1966, the GA took a step further with the adoption of Resolution 2189 (XXI). Sponsored in the Fourth Committee by twenty-six powers, this resolution was adopted by a roll-call vote of 76 to 7, with twenty abstentions.²⁶⁵

Significantly, the voting on Resolution 2189 (XXI) illustrated the world body's determination to support the national liberation movements' struggle against colonialism and apartheid in Southern Africa; and further, widened the gap between the UN and the colonial powers—South Africa, Portugal, and the UK, whose policies came to be viewed as a threat to international peace and security, especially as the trio voted against the text.²⁶⁶

Under Resolution 2189 (XXI), the Assembly, recognised the legitimacy of the struggle of the peoples under colonial rule to exercise their right to self-determination and independence and invited all States to provide material and moral assistance to the national liberation movements in colonial territories; and confirmed that the process of liberation was irresistible and irreversible, and legitimized the colonized people's resort to arms to secure the full exercise of their right to self-determination and independence if the colonial powers persisted in opposing their natural aspirations.²⁶⁷

In support of the provisions stipulated above, the GA declared that the preservation of colonialism and its manifestations, including racism and apartheid as

²⁶⁴ *Ibid.*

²⁶⁵ Refer to Appendix II of this thesis for details on the voting for the resolution.

²⁶⁶ Part 3—Asian-African Legal Consultative Organization, Available: <https://www.aalcon.int>

²⁶⁷ UN GA RES/2189 (XXI)—Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at the 1492nd plenary meeting, 13 December 1966, United Nations Documents, Available: <https://documents-dds-ny.un.org>

and colonial powers attempts to suppress national liberation movements were incompatible with the UN Charter and the Declaration on independence. It also declared that the continuation of colonial rule threatened international peace and security and that the practice of apartheid, and racial discrimination, constituted a crime against humanity, and urged all States to provide moral and material assistance to the national liberation movements.²⁶⁸

The GA followed up with Resolution 2326 (XXVII) of 16 December 1967, adding more pressure on the colonial powers. Sponsored in the Fourth Committee by 20 powers, the resolution was adopted in the Assembly by 86 votes to 6, with 17 abstentions.²⁶⁹ Under this resolution, the Assembly reiterated that the persistence of colonialism and the suppression and the use of armed force against colonial peoples were incompatible with the Charter and the Declaration of Independence.²⁷⁰

The Assembly added that those issues also contravened the Universal Declaration on Human Rights. The GA continued 'that the practice of using mercenaries against movements for national liberation self-determination and independence was a punishable criminal act' and pointed out that the mercenaries themselves were outlaws.²⁷¹

The GA also appealed to the Governments of all countries to enact legislation prohibiting the recruitment, financing, and training of mercenaries; and requested the colonial powers to dismantle their military bases and installations in the colonial territories and refrain from establishing new ones and from using those that still existed

²⁶⁸ *Ibid.*

²⁶⁹ Refer to Appendix II of this thesis for details on the voting for this resolution.

²⁷⁰ UN GA RES/2189 (XXI)—Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at the 1492nd plenary meeting, 13 December 1966, United Nations Documents, Available: <https://documents-dds-ny.un.org>

²⁷¹ UN GA RES/2326 (XXVII), adopted on 12 December 1967, in Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by Specialized Agencies and International Institutions Associated with the United Nations, *Agenda Item 97, A/6954*, United Nations General Assembly, New York, 12 December 1967, pp.5-6.

to interfere with the liberation of the peoples in those territories in the exercise of their legitimate right to freedom and independence.²⁷²

In 1968, the Assembly adopted a further decision reflecting the growing international recognition of the national liberation movements. This was in the form of Resolution 2465 (XXIII) adopted on 13 December 1968, by a roll-call vote of 79 to 5, with 19 abstentions.²⁷³ Under Resolution 2465 (XXIII), the GA, among other things, reiterated its declaration that the practice of using mercenaries against movements for national liberation self-determination, and independence was a punishable criminal act; and reaffirmed its recognition of the legitimacy of the struggle of the colonial peoples to exercise their right to self-determination and independence.²⁷⁴

The Assembly, also noted with satisfaction the progress made in the colonial territories by the national liberation movements, both through their struggle and through reconstruction programs and urged all States to provide moral and material assistance to them; and appealed to all those States to comply with the provisions of its various resolutions and the SC concerning the colonial Territories, and in particular to give the necessary moral, political and material support to the people of the of those Territories in their legitimate struggles to achieve freedom and independence.²⁷⁵

On 11 December 1969, the GA took a series of decisions on the implementation of the Declaration of independence. Thereby, the Assembly, among other things,

²⁷² *Ibid.*

²⁷³ See *Appendix II for details on the voting for this resolution.*

²⁷⁴ UN GA RES/2465 (XXIII)—Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at the 1751st plenary meeting, 20 December 1968, World Legal Institute, Available: www.worldlii.org

²⁷⁵ *Ibid.*

reaffirmed again its recognition of the legitimacy of the struggle of the colonial peoples to exercise their right to self-determination and independence.²⁷⁶

The GA, therefore, noted with satisfaction the progress made in the colonial Territories by the national liberation movements, both through their struggle and through reconstruction programs, and urged all States to provide moral and material aid to them.²⁷⁷

To further, support the actions of the national liberation movements, the Assembly repeated its call against the practice of using mercenaries against the movements. It indicated once again that that practise was a punishable criminal act and that mercenaries themselves were outlaws. It, therefore called upon the Governments of all countries to enact legislation declaring the recruitment, financing, and training of mercenaries in their territory to be a punishable offense and prohibiting their nationals from serving as mercenaries.²⁷⁸

Further, the GA invited the Special Committee on independence to continue to pay particular attention to the small territories and to recommend to the Assembly the most appropriate methods and steps to be taken to enable the populations of those territories to exercise fully their right to self-determination and independence.²⁷⁹

The GA also urged the administering powers to cooperate fully with the Special Committee by permitting visiting missions to the colonial territories to obtain first-hand information and to ascertain the wishes and aspirations of the inhabitants.²⁸⁰

²⁷⁶ UN GA RES/2548 (XXIV)—Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at the 1829th plenary meeting, 11 December 1969, World Legal Institute, Available: www.worldlii.org

²⁷⁷ *Ibid.*

²⁷⁸ *Ibid.*

²⁷⁹ *Ibid.*

²⁸⁰ *Ibid.*

Finally, the Assembly, requested Secretary-General, U. Thant²⁸¹, as suggested by the Special Committee on independence to take concrete measures through all the media at his disposal, including publication, radio, and television to publicise to the UN work in the field of decolonisation. It also urged him, to give widespread of that work, especially that the continuing struggle for liberation being waged by the colonial peoples. The Assembly, therefore, requested the Member States to cooperate with the Secretary-General in promoting the large-scale dissemination of that information.²⁸²

Those decisions were taken in adopting Resolution 2465 (XXIV), by 78 votes to 5, with 16 abstentions.²⁸³ Resolution 2465 (XXIV) had 20 sponsors, namely, Afghanistan, Algeria, Burundi, Ethiopia, India, Indonesia, Iraq, Mali, Mauritania, Nigeria, Pakistan, Sierra Leone, Southern Yemen, Sudan, Syria, United Arab Republic (Egypt), Tanzania, Yemen, Yugoslavia, and Zambia.²⁸⁴

Also, in 1969, in pursuance of GA Resolution 2426 (XXVIII) of 18 December 1968, the Special Committee on independence endorsed the report of its chairman's consultation with the President of the ECOSOC on the implementation of the Declaration by specialized agencies and international institutions.²⁸⁵

The Special Committee on independence thereby, recommended that those agencies and institutions, as well as the various programs within the UN system, take measures to increase the scope of their assistance to refugees from the colonial territories, particularly in Africa.²⁸⁶

²⁸¹ Thant was a Burmese diplomat and the third Secretary-General of the UN, from 1961 to 1971.

²⁸² *Ibid.*

²⁸³ Refer to Appendix II of this document for details on the voting for the resolution.

²⁸⁴ *Yearbook of the United Nations*, New York, 1969, p.648.

²⁸⁵ *Ibid*, p.635.

²⁸⁶ *Ibid.*

In addition, the Special Committee on dependence recommended that those bodies give all possible assistance to the peoples struggling to liberate themselves from colonial rule, and, in particular, that they work out within the scope of their respective activities and in cooperation with OAU and through it with the national liberation movements, concrete programs for assisting the peoples of Southern Rhodesia, Namibia and the territories under Portuguese administration.²⁸⁷

The Special Committee on independence, therefore, appealed to the specialized agencies and the international institutions concerned to withhold from the Governments of Portugal and South Africa financial, economic, technical, and other assistance until they renounced their policies of racial discrimination and colonial domination.²⁸⁸

Those decisions were embodied in a resolution adopted by the GA, on 2 October 1969 by a roll-call vote of 13 to 0, with 5 abstentions (Italy, the Ivory Coast, Norway, the UK, and the US).²⁸⁹ This resolution was sponsored in the Assembly by the following members: Afghanistan; Bulgaria; India; Mali; and Tanzania.²⁹⁰

Meanwhile, at its mid-1969 session, the ECOSOC had considered the implementation of the Declaration by specialized and international institutions. Following the discussion, the Council, recommended among other things, to the specialized agencies and international institutions concerned that they establish relationship agreements and other special arrangements with OAU, as the UNESCO had done, to give concrete assistance to the liberation movements to bring about a fuller and speedier implementation of the GA's decision thereon.²⁹¹

²⁸⁷ *Ibid.*

²⁸⁸ *Ibid.*

²⁸⁹ *Ibid.*, p.637.

²⁹⁰ *Ibid.*

²⁹¹ *Yearbook of the United Nations*, New York, 1969, p.636.

The ECOSOC also recommended that the UN, particularly the Office of Technical Cooperation, the specialized agencies, and the international institutions concerned, including UNDP and UNICEF, take individual and cooperative actions to increase the scope of their assistance to refugees from colonial territories, particularly in Africa, including assistance to the governments concerned in preparation and execution of projects beneficial to those refugees.²⁹²

In addition, the ECOSOC urged the specialized agencies and international institutions concerned to introduce the greatest measure of flexibility into the procedures followed by them in the field of assistance to refugees from colonial territories, particularly in Africa, and to strengthen the existing arrangements for inter-agency cooperation to facilitate the planning and implementation of joint or complementary measures as well as, a concerted effort to address issues in the field.²⁹³

Those decisions were contained in ECOSOC Resolution 1450 (XLVII), adopted on 7 August 1969, by a roll-call vote of 17 to 0), with 9 abstentions.²⁹⁴ Co-sponsored orally by Bulgaria, Resolution 1450 (XLVII) was adopted on the proposal of Bulgaria, Chad, Congo (Brazzaville), India, Kuwait, Libya, Sierra Leone, Sudan, Tanzania, and Upper Volta.²⁹⁵ The voting on the resolution was as follows: In favour: Bulgaria, Chad, Congo (Brazzaville), Guatemala, India, Indonesia, Jamaica, Kuwait, Libya, Mexico, Sierra Leone, Sudan, Tanzania, USSR, Upper Volta, Uruguay, Yugoslavia. Against: none. Abstaining: Argentina, Belgium, France, Ireland, Japan, Norway, Turkey, UK, US.²⁹⁶

²⁹² *Ibid*, p.638.

²⁹³ *Ibid*.

²⁹⁴ *Ibid*.

²⁹⁵ *Ibid*, p.650.

²⁹⁶ *Ibid*.

On 12 October 1970, at its 1862nd plenary meeting, the GA adopted Resolution 2621 (XXV). The resolution was adopted by Assembly with a recorded vote of 86 to 5, with fifteen abstentions²⁹⁷ Resolution 2621 (XXVI) set forth the program for the full implementation of the Declaration on Decolonisation (Independence). The resolution resulted in the liberation movements' occupation of a strategic ladder from which to operate, that is working from within the UN system like all other member States.²⁹⁸

For the Portuguese-administered territories, the resolution was instrumental in the national liberation movements' diplomatic strategy. In general, the resolution represented the development of the UN anti-colonial thesis.²⁹⁹ The Programme of Action, in particular, confirmed the inherent right of colonial peoples to struggle by all necessary means at their disposal against colonial Powers which suppress their aspiration for freedom and independence.³⁰⁰

Under the operative part of the resolution, the Assembly declared that the further continuation of colonialism in all its forms and manifestations constituted a crime that constituted a violation of the UN Charter, the Declaration on Independence, and the principles of international law.³⁰¹ The GA also reaffirmed the inherent right of colonial peoples to struggle by all necessary means at their disposal against colonial powers that suppressed their aspiration for freedom and independence; and adopted

²⁹⁷ Refer to Appendix II for details on the voting for the resolution.

²⁹⁸ A Cristescu, "The Right to Self-Determination: Historical and Current Developments on the Basis of the United Nations Instruments," *A Study Prepared by the Aureliu Cristescu, Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities*, United Nations, New York, 1981, p.9.

²⁹⁹ *Ibid.*

³⁰⁰ AAE Santos, "The Role of the Decolonisation Committee of the United Nations Organisations in the Struggle against Portuguese Colonialism in Africa: 1961- 1974", *The Journal of Pan Africanist Studies*, Volume 4, No.10, January 2012, p.252.

³⁰¹ UN GA RES/2621(XXV)—Programme of action for the full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at the 1863rd plenary meeting, 13 October 1970, World Legal Institute, Available: www.wodlii.org

a program of action to assist in the full implementation of the Declaration on Independence.³⁰²

It, therefore, recommended that the representatives of liberation movements should be invited, whenever necessary, by the UN and other international organisations within the UN.³⁰³ Accordingly, that would enable the liberation movements to participate in an appropriate capacity in the proceedings of those organs relating to their countries.³⁰⁴

The proposed program of action provided, among other things, that the member States should render all necessary moral and material assistance to the peoples of the colonial territories in their struggle to obtain freedom and independence; and that all freedom fighters under detention should be treated by the relevant provisions of the Geneva Convention relative to the Treatment of Prisoners of War.³⁰⁵ It, further, provided that representatives of liberation movements should be invited, whenever necessary, by the UN and other international organisations within the UN system to participate in an appropriate capacity in the proceedings of those organs relating to their countries.³⁰⁶

On 24 October 1970, on the occasion of the Twenty-Fifth Anniversary of the UN, the GA adopted without a vote³⁰⁷ Resolution 2627 (XXV)— Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations. In Resolution 2627 (XXV), the member States recognised the role of the UN in the past twenty-five years in the process of the liberation of peoples of colonial, Trust, and other Non-Self-

³⁰² *Ibid.*

³⁰³ *Ibid.*

³⁰⁴ *Ibid.*

³⁰⁵ *Ibid.*

³⁰⁶ *Ibid.*

³⁰⁷ *In*, *Yearbook of the United Nations*, New York, 1970, p.108.

Governing Territories.³⁰⁸ Because of that, the members, said they welcomed the development wherein the number of sovereign states in the Organisation [UN] had been greatly increased and that the colonial empires had virtually disappeared.³⁰⁹

Despite those achievements, the members further claimed that many Territories and peoples continued to be denied their right to self-determination and independence, particularly in Namibia, Zimbabwe, Angola, Mozambique, and Guinea (Bissau), in deliberate and deplorable defiance of the UN and world opinion by certain recalcitrant States and by the illegal regime of Southern Rhodesia.³¹⁰

The members, therefore, declared *inter alia* that they reaffirmed the inalienable right of all colonial peoples to self-determination, freedom, and independence and condemned all actions which deprived any people of those rights; and recognised the legitimacy of the struggle of colonial peoples for their freedom by all appropriate means at their disposal.³¹¹

Also, by the same resolution called upon all Governments to comply in that respect with the provisions of the Charter, taking into account the 1960 Declaration on the Granting of Independence; and re-emphasized that those countries and peoples were entitled, in their just struggle, to seek and to receive all necessary moral and material help by the purposes and principles of the Charter.³¹²

³⁰⁸ UN GA RES/2627 (XXV)— Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations, adopted at the 1883rd plenary meeting, 24 October 1970, United Nations Digital library, Available: <https://digitallibrary.un.org>

³⁰⁹ *Ibid*

³¹⁰ *Ibid*.

³¹¹ It was termed illegal regime because it had unilaterally declared independence from the UK on 11 November 1965—an issue which the UN condemned and upon which the world body for the first time imposed economic sanctions on Southern Rhodesia.

³¹² UN GA RES/2627 (XXV)— Declaration on de Occasion of the Twenty-fifth Anniversary of the United Nations, adopted at the 1883rd plenary meeting, 24 October 1970, United Nations Digital library, Available: <https://digitallibrary.un.org>

By Resolution 2704 (XXV) of 14 December 1970, the GA urged the UN specialized agencies and organisations concerned to take actions required for the full implementation of the relevant resolutions relating to the assistance of the national liberation movements and to discontinue all collaboration with the governments of Portugal, South Africa and the racist minority regime in Zimbabwe.³¹³

The Assembly, further, recommended that the specialized agencies and other organisations within the UN system, including in particular the United Nations Development Program (UNDP) and the International Bank for Reconstruction and Development (IBRD), review all within their respective spheres of competence to increase the scope of their assistance to refugees from colonial territories.³¹⁴

The GA Resolution 2704 (XXV) was adopted by eighty-three votes to four, with twenty-one abstentions³¹⁵, on the recommendation of the Fourth Committee. Its passing revealed the Assembly's support of the OAU's decisions concerning the resolution of the continent's conflicts and Africa's position thereof, and of course the reason why it decided to give material assistance to the national liberation movements.³¹⁶

Resolution 2704 (XXV) also signified an end to the UN specialized agencies' 'collaboration' with Portugal and South Africa, as well as the possibility of inviting 'liberation movement' leaders in African colonial territories to the agencies' meetings and offering assistance to people 'struggling for freedom from their colonial rule.'³¹⁷

³¹³ UN GA RES/2704 (XXV)—Implementation of the Declaration by Specialized Agencies and International Institutions associated with the United Nations, adopted at the 1928th plenary meeting, on 14 December 1970, World Legal Institute, Available at: www.worldlii.org

³¹⁴ *Ibid.*

³¹⁵ Refer to Appendix II of this document for details on the voting for the resolution.

³¹⁶ JM, Biswaro, *The Quest for Regional Integration in the Twenty-First Century: Rhetoric versus Reality- A Comparative Study*, Tanzania, 2012, p.326.

³¹⁷ E Duncan, et.al, *Foreign Relation of the United States, 1969-1976, Volume V, United Nations*, United States Government Printing Offices, Washington, 2004, p.183.

In Resolution 2708 (XXV), the GA reiterated its conviction that the continuation of colonialism in all its forms, and manifestations and the attempts to suppress national liberation movements, were incompatible with the UN Charter, the Declaration, and the Universal Declaration of Human Rights, and posed a threat to global peace and security; and urged all States, the specialized agencies and other organisations within the UN system to provide, in consultation with the OAU, moral and material assistance to the national liberation movements in the territories.³¹⁸

The Assembly, further reaffirmed again, its recognition of the legitimacy of the struggle of the colonial peoples and peoples under alien domination to exercise their right to self-determination and independence by all the necessary means at their disposal and noted with satisfaction the progress made in the colonial territories by the national liberation movements, both through their struggle and through reconstruction programs.³¹⁹

The GA, therefore, urged all States and the specialized agencies and other organisations within the UN system to provide, in consultation, as appropriate, with the OAU, moral and material assistance to national liberation movements in the colonial territories.³²⁰

Resolution 2708 (XXV) was adopted by a roll-call vote of 93 to 5, with 22 abstentions.³²¹ Its sponsors were: Algeria, Burundi, the Central African Republic, the Democratic Republic of the Congo, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Liberia, Libya, Mali, Mauritania, Morocco, Nigeria, Pakistan, the People's Democratic Republic of Yemen, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tunisia, Uganda,

³¹⁸ UN GA RES/2708 (XXV)—Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at the 1929 th plenary meeting, on 14 December 1970, World Legal Institute, Available: <http://www.worldlii.org/>

³¹⁹ *Ibid.*

³²⁰ *Ibid.*

³²¹ See appendix II of this document for details on the voting for the resolution.

the United Arab Republic, the United Republic of Tanzania, Yemen, Yugoslavia, and Zambia.³²²

In effect, Resolution 2708, (XXV) legitimised all forms of resistance - including violence - in the struggle for self-determination—thereby legitimising the struggles of national movements, if not always their methods in practice.³²³ The acceptance of the resolution also sanctioned the use of force of national liberation movements without stating it explicitly and expanded their right to use force in their struggles for self-determination.³²⁴

Under Resolution 2787 (XXVI) of 6 December 1971, the GA expressed: concern ‘that some countries, such as Portugal, with the support of the North Atlantic Treaty Organisation (NATO) allies, waged war against the national liberation movements of the colonies and certain independent States of Africa and Asia, including developing countries; and affirmed that the future of Zimbabwe could not be negotiated with an illegal regime and that any settlement had to be based on the ‘no independence before majority rule’ principle.’³²⁵

The Assembly also reaffirmed the inalienable rights of all societies and in particular those of Zimbabwe, Namibia, Angola, Mozambique, Guinea-Bissau, and the Palestinian inhabitants, to freedom, equality, and self-determination, and by, the

³²² *Yearbook of the United Nations*, New York, 1970, p.109.

³²³ T Dunning, *Introduction—Hamas, Jihad, and Popular Legitimacy; Reinterpreting Resistance in Palestine*, Routledge Publishers, February 2016, p.10.

³²⁴ M Sahin, “The Use of Force in Relation to Self-Determination in International Law,” Available at: <https://tamilnation.org>

³²⁵ UN GA RES/2787 (XXVI)—Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for effective guarantee and observance of human rights, adopted at the 2001st plenary meeting, on 6 December 1971, United Nations Digital Library, Available: <https://digitallibrary.un.org>

Declaration on the Principle of International Law Concerning Friendly Relations and Cooperation amongst States.³²⁶

Further, the GA, condemned the policies of certain NATO members that contributed to the creation of a military-industrial complex in Southern Africa, aimed at suppressing the movements of inhabitants, struggling for self-determination, and interfering in the affairs of independent African States.³²⁷

The GA Resolution 2787 (XXVI) was adopted by seventy-six votes to ten, with thirty-three abstentions³²⁸, on the recommendation of the Third Committee. This resolution confirmed the legality of instances of struggles for self-determination and national independence in Zimbabwe, Namibia, Angola, Mozambique, Guinea-Bissau, and the 'Palestine people.'³²⁹

Under Resolution 2795 (XXVI) of 10 December 1971, the GA had approved the UN Economic Commission of Africa (ECA)'s arrangements made in consultation with the OAU, whereby, Angola, Mozambique, and Guinea-Bissau in their capacity as associate members of the ECA would be represented by their respective liberation movements.³³⁰

In the meantime, with the Assembly had approved the ECA's arrangements, representatives of the aforementioned territories attended the Tenth Session of the ECA (first meeting of the Council of Ministers) at Tunis, in February 1971, as

³²⁶ *Ibid.*

³²⁷ *Ibid.*

³²⁸ Refer to Appendix II of this document for voting details on the resolution.

³²⁹ N Higgins, "The Application of International Humanitarian Law to Wars of National Liberation," *Journal of Humanitarian Assistance*, 2004, Available: <http://www.jha.ac>

³³⁰ UN GA RES/2795 (XXVI)—Question of Territories under Portuguese administration, adopted at the 2012th, plenary meeting, on 10 December 1971, World Legal Institute, Available: <http://www.worldlii.org>

observers.³³¹ Those representatives were: Agostino Neto (MPLA) and Holden Roberto (FNLA) for Angola; Marcelino dos Santos (FRELIMO) for Mozambique; and Sam Nujoma (SWAPO) for Namibia.³³²

Also, in Resolution 2795 (XXVI), the GA further appealed to all States and the specialized agencies and other organisations within the UN system, in consultation with the OAU, to render to the peoples of the territories under Portuguese domination, in particular, the population in the liberated areas of those territories, all the moral and material assistance necessary to continue their struggle for the restoration of their inalienable right to self-determination and independence.³³³

Resolution 2795 (XXVI) was approved by a roll-call vote of 105 to 8, with 5 abstentions.³³⁴ The draft text to that effect was based on a proposal in the Fourth Committee by the following 38 Members: Afghanistan, Algeria, Cameroon, Ceylon, Chad, the Congo, Dahomey, Equatorial Guinea, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Kenya, Liberia, Malaysia, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Togo, Tunisia, Uganda, Tanzania, Upper Volta, Yugoslavia, Zaire, and Zambia.³³⁵

³³¹ "Question of Representation of Angola, Mozambique, Guinea (Bissau) and Namibia in the Economic Commission for Africa", Tenth Session, Conference of Ministers, Tunis, 8-13 February 1971, Document E/CN.14/511, Annex, *List of Representatives of the Peoples of Non-Self-Governing Territories*, United Nations Economic and Social Council, 27 January 1971

³³² *Ibid.*

³³³ UN GA RES/2795 (XXVI)—Question of Territories under Portuguese administration, adopted at the 2012th, plenary meeting, on 10 December 1971, World Legal Institute, Available: <http://www.worldlii.org>

³³⁴ *Refer to Appendix II of this document for voting details on the resolution.*

³³⁵ "Consideration by General Assembly: General Questions," *Yearbook of the Yearbook*, New York, 1971, p.570.

The GA followed up on the recommendation contained in the proposed program on 20 December 1971, with the adoption of Resolution 2878 (XXVI). This resolution was approved by a recorded vote of 96 to 5, with eighteen abstentions.³³⁶

Resolution 2878 (XXVI) was based on the proposal of Afghanistan, Algeria, Burundi, Cameroon, the Congo, Egypt, Equatorial Guinea, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Kenya, the Libyan Arab Republic, Mali, Mongolia, Morocco, Nigeria, the People's Democratic Republic of Yemen, Rwanda, Sierra Leone, Somalia, Sudan, the Syrian Arab Republic, Tunisia, Uganda, Tanzania, Yemen, Yugoslavia, Zaire, and Zambia.³³⁷

By Resolution 2878 (XXVI), the GA appealed to all States and the specialized agencies and other organisations within the UN system to provide, in consultation, as appropriate, with the OAU, moral and material assistance to all peoples struggling for their freedom and independence in the colonial territories and, in particular, to the national liberation movements of the territories in Southern Africa, and in that connection drew the attention of all States to the Assistance Fund for the Struggle against Colonialism and Apartheid of the OAU.³³⁸

Also, by the same text, the Assembly endorsed the Special Committee on independence's proposal to take steps, in consultation with the OAU, to enable representatives of national liberation movements in the colonial Territories in Southern Africa to participate, whenever necessary and in an appropriate capacity, in its deliberations relating to those territories.³³⁹

³³⁶ Refer to Appendix II of this document for voting details on the resolution.

³³⁷ *Ibid*, p.571.

³³⁸ UN GA RES/2878 (XXVI)—Implementation of the Declaration on the Granting of Independence to Colonial Countries, adopted at the 2028th plenary meeting, on 20 December 1971, United Nations Digital Library, Available: <https://digitallibrary.un.org>

³³⁹ *Yearbook of the United Nations*, New York, 1972, p.544.

At the Twenty-Seventh General Assembly, the GA adopted several decisions that acknowledged the increased role of the national liberation movements in the decolonisation process. Thus, the Special Committee on independence considered inviting, in consultation with and through the OAU, representatives of the liberation movements concerned to participate, whenever necessary and in an 'observer capacity,' in its proceedings relating to their respective countries.³⁴⁰

The Special Committee also recommended that the GA make the necessary financial provision to cover the costs of the movements' participation in the Committee's work during 1973. These recommendations were outlined in the form of GA Resolution 2908 (XXVII), adopted on 2 November 1972, by a roll-call vote of 99 to 5, with twenty-three abstentions.³⁴¹

Resolution 2908 (XXVII) was proposed by the following members; Afghanistan, Algeria, Burundi, Cameroon, Chad, Chile, the Congo, Cyprus, Dahomey, Democratic Yemen, Egypt, Ethiopia, Ghana, Guinea, Guyana, India, Indonesia, Iraq, the Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, the Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, the Ukrainian SSR, the United Arab Emirates, the United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, and Zambia.³⁴²

Based on the foregoing, Petuse Norah Appolus (SWAPO); T. George Silundika (ZAPU); S.V. Mtambanengwe (ZANU); Sasa Mbala (FNLA); Mesamesa Tshamba

³⁴⁰ *Ibid.*

³⁴¹ See Appendix II of this document for details on the voting for the resolution.

³⁴² *Yearbook of the United Nations*, New York, 1972, p.548.

(MPLA); Manuel Jorge Marcelino and dos Santos (FRELIMO) took part as observers in the Special Committee on independence's proceedings during 1973.³⁴³

Further, on 2 November 1972, the GA took decisions on the question of dissemination of information on decolonisation—thereby acknowledging the role of the liberation movements in the process. Among other things, the Assembly reaffirmed the vital importance of urgently affecting the widest possible dissemination of information on the evils and dangers of colonialism.³⁴⁴

The GA, also affirmed that the continuing struggle for liberation being waged by the colonial peoples (national liberation movements) in Africa; and the efforts being made by the international community to assist in the elimination of the last vestiges of colonialism in all its forms.³⁴⁵

The GA, further, asked the Secretary-General to: continue to take concrete measures through all the media at his disposal, including publications, radio, and television, to give widespread and continuous publicity to the work of the UN in the field of decolonisation, to the situation in the colonial territories and the continuing struggle for liberation being waged by the colonial peoples; and intensify the activities of information centers, particularly in Western Europe, and establish additional ones where appropriate, especially in Southern Africa.³⁴⁶

In addition, the Assembly, asked the Secretary-General to maintain a close working relationship with OAU; and enlist help from non-governmental organisations

³⁴³ "Report of the Special Committee on the Granting of Independence to Colonial Countries and Peoples," Volume III, Supplement No.23, Document A/9023/Add2, *General Assembly Official Records*, Twenty-Eight Session, United Nations, New York, 1975, pp. 3-108.

³⁴⁴ In, UN GA RES/2909 (XXVII)—Dissemination of Information on Decolonization, adopted at the 2078th plenary meeting, on 2 November 1972, World Legal Institute, Available: <http://www.worldlii.org>

³⁴⁵ *Ibid.*

³⁴⁶ *Ibid.*

in the dissemination of relevant information, and to continue to publish certain specified publications in other languages besides English and French.³⁴⁷

The Assembly, therefore, asked the Member States, in particular the administering powers, to co-operate fully with the Secretary-General in disseminating information on decolonisation; and invited all States, the specialized agencies, other UN bodies, and non-governmental organisations to undertake, in cooperation with the Secretary-General, and within their respective spheres of competence, the large-scale dissemination of information referred to above.³⁴⁸

Once again, the GA asked the Secretary-General, in consultation with the Special Committee on independence, to collect and prepare continuously, for dissemination by the Office of Public Information, basic material, studies and articles relating to various aspects of decolonisation.³⁴⁹

Those decisions were taken when the GA adopted Resolution 2909 (XXVII), by a vote of 113 to 2, with 12 abstentions.³⁵⁰ Resolution 2909 (XXVII) was adopted based on the proposal by Afghanistan; Algeria; Burundi; Cameroon; Congo; Cyprus; Dahomey; Egypt; Ethiopia; Ghana; Guinea; Guyana; Indonesia; Iran; Ivory Coast; Jamaica; Jordan; Kenya; Kuwait; Liberia; Madagascar; Malaysia; Maldives; Mali; Mauritania; Mauritius; Morocco; Niger; Nigeria; Pakistan; Romania; Rwanda; Senegal; Sierra Leone; Singapore; Somalia; Sudan; Syrian Arab Republic; Togo; Tunisia; Uganda; United Republic of Tanzania; Upper Volta; Yemen; Yugoslavia; Zaire; and Zambia.³⁵¹

³⁴⁷ *Ibid.*

³⁴⁸ *Ibid.*

³⁴⁹ *Ibid.*

³⁵⁰ Refer to Appendix II for details on the voting for the text.

³⁵¹ In, *Yearbook of the United Nations*, New York, 1972, p.549.

At the same time, the Assembly also decided to request the Secretary-General, in cooperation with the OAU to organize Oslo, Norway, in 1973, an International Conference of Experts for the Support of Victims of Colonialism and Apartheid in Southern Africa.³⁵²

The decision to request the Secretary-General and OAU to organise the conference, which considered a proposal by OAU to convene an international conference against colonialism and apartheid, was embodied in GA Resolution 2910 (XXVII), which was adopted by 118 votes to two, with seven abstentions.³⁵³

Resolution 2910 (XXVII) had 68 sponsors, namely: Afghanistan; Algeria; Argentina; Austria; Barbados; Bulgaria; Burundi; Cameroon; Chad; Chile; Colombia; Congo; Czechoslovakia; Dahomey; Democratic Yemen; Denmark; Egypt; Ethiopia; Finland; Gabon; Gambia; Ghana; Guinea; Guyana; Iceland; India; Iran; Ireland; Ivory Coast; Jamaica; Jordan; Kenya; Kuwait; Lebanon; Liberia; Libyan Arab Republic; Madagascar; Mali; Mauritania; Mauritius; Mexico; Morocco; Niger; Nigeria; Norway; Pakistan; Peru; Poland; Romania; Rwanda; Senegal, Sierra Leone; Somalia; Sudan; Sweden; Syrian Arab Republic; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; United Arab Emirates; United Republic of Tanzania; Upper Volta; Yemen; Yugoslavia; Zaire; and Zambia.³⁵⁴

In addition, the GA adopted a resolution by which, after noting with satisfaction the progress towards national independence made by the national liberation movements in the colonial territories of Southern Africa and Guinea (Bissau) and Cape Verde, it appealed to the Governments and people of the world to hold annually a

³⁵² *Ibid.*

³⁵³ *Refer to Appendix II for details on the voting for the text.*

³⁵⁴ *Yearbook of the United Nations*, New York, 1972, p.549.

Week of Solidarity with the Colonial Peoples of Southern Africa and Guinea (Bissau) and Cape Verde Fighting for Freedom, Independence, and Equal Rights.³⁵⁵

The Assembly also proposed that a week should begin each year on 25 May, which was Africa Liberation Day. It, therefore, recommended that, during the week, meetings should be held, and appropriate materials should be published in the press and broadcast on radio and television; and those public campaigns should be conducted to obtain contributions to the Assistance Fund for the Struggle against Colonialism and Apartheid established by OAU.³⁵⁶

Those decisions were outlined in resolution 2911(XXVII). The text of this resolution was adopted by 91 votes to 2, with 30 abstentions³⁵⁷, on the proposal of Afghanistan; Algeria; Bulgaria; Burundi; Byelorussian SSR; Cameroon; Chile; Congo; Cuba; Czechoslovakia; Dahomey; Egypt; Ghana; Guinea; Hungary; India; Jamaica; Jordan; Kuwait; Liberia; Madagascar; Mauritius; Mongolia; Morocco; Nigeria; Pakistan; Poland; Romania; Rwanda; Senegal; Sierra Leone; Somalia; Sudan; Togo; Tunisia; Uganda; Ukrainian SSR; USSR; United Republic of Tanzania; Upper Volta; Yugoslavia; and Zambia.³⁵⁸

On 14 November 1972, the GA adopted a resolution by which, among other things, it expressed its appreciation for the concrete programs of assistance to national liberation movements initiated by several Governments, and also expressed its satisfaction at the progress towards national independence and freedom made by the national liberation movements of the territories—particularly in the liberated areas of

³⁵⁵ UN GA RES/2911 (XXVII)—Week of Solidarity with the Colonial Peoples of Southern Africa and Guinea-Bissau and Cape Verde Fighting for Freedom, Independence and Equal Rights, adopted at the 2078th plenary meeting, on 2 November 1972, United Nations Documents, Available: <https://documents-dds-ny.un.org>

³⁵⁶ *Ibid.*

³⁵⁷ See Appendix II of this document on the voting for resolution.

³⁵⁸ *Yearbook of the United Nations*, New York, 1972, p.549.

Guinea-Bissau by PAIGC, the sole representative of the people of Guinea-Bissau and Cape Verde.³⁵⁹

The Assembly further affirmed that the national liberation movements of Angola, Guinea-Bissau and Cape Verde, and Mozambique were the authentic representatives of the true aspirations of the peoples of those territories; and, recommended that, pending the territories' accession to independence, all Governments, the specialized agencies and other organisations with the UN system and the UN bodies concerned should when dealing with matters about the territories, ensure their representation by the liberation movements concerned in an appropriate capacity and consultation with the OAU.³⁶⁰

In addition, the Assembly appealed to all governments, UN bodies, and non-governmental organisations to render to the peoples of the territories, in particular to the populations in the liberated areas, all the moral and material assistance necessary for their continued struggle for the achievement of their inalienable right to self-determination and independence. Those decisions were outlined in Resolution 2980 (XXVII).³⁶¹

Adopted on the recommendation of the Fourth Committee, Resolution 2980 (XXVII) was adopted by the Assembly, on 14 November 1972, by a roll-call vote of 98 to 6, with 8 abstentions.³⁶² Resolution 2980 (XXVII) was sponsored by the following powers: Afghanistan, Bulgaria, the Byelorussian SSR, Cameroon, the Congo, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iran, Iraq, Kenya, Mali, Mongolia, Nigeria, Romania,

³⁵⁹ UN GA RES/2980 (XXVII)—Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by Specialized Agencies and International Institutions associated with the United Nations, adopted at the 2011th plenary meeting, on 14 November 1972, United Nations Documents, Available: <https://documents-add-ny-un.org>

³⁶⁰ *Ibid.*

³⁶¹ *Ibid.*

³⁶² See Appendix II of this document on the voting for resolution.

Rwanda, Sierra Leone, Somalia, Sudan, the Syrian Arab Republic, Trinidad and Tobago, Tunisia, Uganda, the Ukrainian SSR, Tanzania, Yemen, Yugoslavia, Zaire, and Zambia.³⁶³

At its 1972 session, the GA also adopted a resolution—2955 (XXVII)—concerning the importance of the universal realization of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights.³⁶⁴

By Resolution 2955 (XXVII), which was adopted on 12 December 1972, the Assembly among other things, reaffirmed the legitimacy of the peoples' struggle for self-determination and liberation from colonial and alien domination and foreign subjugation by all available means consistent with the UN Charter.³⁶⁵

The Assembly, also, condemned: all the governments, particularly the governments of Portugal and South Africa, which persistently refused to implement the 1960 Declaration on Independence and other relevant resolutions; the policies of those States members of NATO and other powers that assisted Portugal and other racist regimes in Africa and elsewhere in their suppression of the peoples' human rights; and decided to examine ways and means of extending maximum assistance to the peoples of the liberated areas, colonial territories, and territories under alien subjugation.³⁶⁶

At the following session, the GA adopted resolutions 3115 (XXVIII) and 3111 (XXVIII), reaffirming decisions already taken by the Special Committee on

³⁶³ *In*, *Yearbook of the United Nations*, New York, 1972, p.550.

³⁶⁴ *Ibid.*

³⁶⁵ UNGA RES/2955 (XXVII)—Importance of the universal realization of the right of peoples to self-determination and of the speed granting of independence to colonial countries and peoples for effective guarantee and observance of human rights, adopted at the 2107th plenary meeting, meeting 12 December 1972, World Legal Institute, Available: <http://www.wordlii.org>

³⁶⁶ *Ibid.*

independence explicitly recognizing the national liberation movements. Adopted on the recommendation of the Fourth Committee, Resolution 3115 (XXVIII) was approved by Assembly on 12 December 1973, with a recorded vote of 108 to 4, with fifteen abstentions.³⁶⁷

Resolution 3115 (XXVIII) was put forward in the Fourth Committee by Afghanistan, Bulgaria, Burundi, the Byelorussian SSR, Cameroon, the Central African Republic, Chad, the Congo, Cuba, Czechoslovakia, Dahomey, Democratic Yemen, Egypt, Ethiopia, the Gambia, the German Democratic Republic, Ghana, Guinea, Guyana, Hungary, Iraq, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Niger, Nigeria, Romania, Senegal, Sierra Leone, Somalia, Sudan, Syria, Trinidad and Tobago, Uganda, the Ukrainian SSR, the United Arab Emirates, the United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, and Zambia.³⁶⁸

Under Resolution 3115 (XXVIII), the Assembly, among other things: reaffirmed the principle that there should be no independence before majority rule in Zimbabwe; and stated that any settlement relating to the future of the territory should be worked out with the full participation of the genuine political leaders and representatives of the national liberation movements, who were the sole and authentic representatives of the true aspirations of the people of Zimbabwe, and should be endorsed freely and fully by the people.³⁶⁹

Also, adopted on the recommendation of the Fourth Committee, Resolution 3111 (XXVIII) was approved by the GA with a recorded vote of 107 to 2, with 17 abstentions.³⁷⁰ The resolution was sponsored in the Fourth Committee by the following

³⁶⁷ See *Appendix II of this document on the voting for resolution*.

³⁶⁸ *Yearbook of the United Nations*, New York, 1973, p.128.

³⁶⁹ UN GA RES/3115 (XXVIII)—Question of Southern Rhodesia, adopted at the 2198th plenary meeting, on 12 December 1973, World Legal Institute, Available: <http://www.wordlii.org>

³⁷⁰ See *Appendix II of this document on the voting for resolution*.

Members: Afghanistan, Burundi, Cameroon, the Central African Republic, Chad, the Congo, Dahomey, the Gambia, Ghana, Guinea, Guyana, Iraq, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Romania, Senegal, Sierra Leone, Somalia, Sudan, the Syrian Arab Republic, Togo, Uganda, the United Republic of Tanzania, Upper Volta, Yugoslavia, Zaire, and Zambia.³⁷¹

In Resolution 3111 (XXVIII), the GA, among other things: recognised that the national liberation movement of Namibia, the SWAPO, was the authentic representative of the Namibian people; supported the efforts of the movement to strengthen national unity; and appealed for the support of specialized agencies and other organisations within the UN system, in consultation with the UN Council for Namibia, to render, within their respective spheres of competence, all possible assistance to the people of Namibia and their liberation movement.³⁷²

The implementation by specialized agencies and international institutions associated with the Declaration of Independence, the GA, among other things: noted once again with deep concern that many of the specialized agencies had not extended their full cooperation to the UN in the implementation of resolutions relating to assistance for the national liberation movements and to ending all kinds of support to Portugal and South Africa, and to the illegal regime in Southern Rhodesia.³⁷³

The Assembly also urged the specialized agencies and other concerned organisations, in consultation with the OAU, to initiate and broaden contacts and cooperation with the colonial peoples of Africa.³⁷⁴ This was made with the purpose of

³⁷¹ *Yearbook of the United Nations*, New York, 1973, p.729.

³⁷² UN GA RES/3111(XXVIII)—Question of Namibia, adopted at the 2198th plenary meeting, on 12 December 1973, World Legal Institute, Available: <http://www.wordlii.org>

³⁷³ *In*, UN GA RES/RES/3118 (XXVIII)—Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by Specialized Agencies and International Institutions associated with United Nations, adopted at the 2198th plenary meeting, 12 December 1972, United Nations Digital Library, <https://digitallibrary.un.org>

³⁷⁴ *Ibid.*

working out concrete programs for assistance to the peoples of Angola, Mozambique, Southern Rhodesia, and Namibia, and especially to their liberation movements.³⁷⁵

It further, urged the specialized agencies and other organisations to take measures to withhold any financial, economic, technical, or other assistance from Portugal, South Africa, and the illegal regime in Southern Rhodesia; to discontinue all kinds of support to them until they renounce their policies of racial discrimination and colonial oppression, and to refrain from any action implying recognition of the legitimacy of those regimes' colonial and alien domination of the territories concerned.³⁷⁶

Those decisions were embodied in GA Resolution 3118 (XXVIII) of 12 December 1973. Resolution 3118(XXVIII) was adopted by a recorded vote of 108 to 4, with 17 abstentions.³⁷⁷ Resolution 3118(XXVIII) was proposed in the Fourth Committee by the following countries: Afghanistan, Bulgaria, Burundi, the Byelorussian SSR, Cameroon, the Central African Republic, Chad, the Congo, Czechoslovakia, Dahomey, Democratic Yemen, Egypt, Ethiopia, the Gambia, the German Democratic Republic, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Kenya, Liberia, Madagascar, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, the Syrian Arab Republic, Togo, Tunisia, Uganda, the Ukrainian SSR, the United Republic of Tanzania, Upper Volta, Yugoslavia, Zaire, and Zambia.³⁷⁸

The international recognition of the national liberation movements was reaffirmed in 1973 when the GA adopted Resolution 3163 (XXVIII), by a recorded vote

³⁷⁵ *Ibid.*

³⁷⁶ *Ibid.*

³⁷⁷ See Appendix II of this document on the voting for resolution.

³⁷⁸ *Yearbook of the United Nations*, New York, 1973, p.682.

of 104 to 5, with 19 abstentions.³⁷⁹ Resolution 3163 (XXVIII) was adopted on the proposal of the 59 member states.³⁸⁰

Under Resolution 3163 (XXVIII), the Assembly, among other things, appealed to all States and the specialized agencies and other organisations within the UN system to provide moral and material assistance to all peoples struggling for their freedom and independence in the colonial territories and to those living under alien domination—in particular to the national liberation movements of the territories in Africa—in consultation, as appropriate, with the OAU.³⁸¹

The GA, further appealed to all governments and the specialized agencies and other organisations within the UN system, in consultation with the OAU, to ensure the representation of the colonial territories in Africa by the national liberation movements concerned, in an appropriate capacity, when dealing with matters about those territories.³⁸²

The adoption of Resolution 3163 (XXVIII) was based on the Assembly decision of 2 November 1972. By this decision, the GA had approved the Special Committee on independence's arrangement in consultation with the OAU, to invite representatives of the national liberation movements of the colonial territories in Africa to participate as observers in its proceedings relating to the movements' respective countries.³⁸³

In adopting Resolution 3163 (XXVIII), the Assembly also considered the views expressed by the national liberation movements and non-governmental organisations which participated, along with several members of the Special Committee on

³⁷⁹ See Appendix II of this document on the voting for resolution.

³⁸⁰ *Yearbook of the United Nations*, New York, 1973, p.670.

³⁸¹ UN GA RES/3163 (XXVIII)—Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples”, adopted at the 2202nd Plenary Meeting, on 14 December 1973, United Nations, Available: <https://digitallibrary.un.org>

³⁸² *Ibid.*

³⁸³ See footnote 619.

independence, in the proceedings of the International Conference of Experts for the Support of Victims of Colonialism and Apartheid in Southern Africa, held from 9 to 14 April 1973, at Oslo, Norway.³⁸⁴

Some of the views were expressed by Oliver Tambo, President of the ANC, on behalf of all national liberation movements. Tambo stated that the keyword in the declared purpose of the Conference was ‘support,’ which should have been interpreted as the practical measure and material assistance that the world community was prepared to give to the liberation movements in their growing offensives against the racist regimes in Southern Africa.³⁸⁵

In 1973 and 1974, the GA and on occasions the ECOSOC also adopted recommendations and decisions on an Ad Hoc basis concerning the participation of national liberation movements in international conferences. Thus, at its twenty-eighth session, the Assembly followed up with Resolution 3102 (XXVIII), on 12 December 1973.³⁸⁶

Resolution 3102 (XXVIII) was adopted by a recorded vote of 107 to 0, with six abstentions³⁸⁷ on the recommendation of the Sixth (Legal) Committee. By the preambular part of resolution, the GA, among other things, reaffirmed that only complete respect for the UN Charter and general and complete disarmament under effective international control could bring about full guarantees against armed conflicts

³⁸⁴ In, “Oslo Conference on Colonialism and Apartheid”, *Sechaba*, Official Organ of African National Congress South Africa, Volume 8, No.8, August 1973, pp.4-5; also, see O Stokke & C Widstrand (eds.), *Southern Africa: The UN-OAU Conference Oslo 9-14 April 1973, Volume I, Programme of Action and Conference Proceedings*, Uppsala, Sweden, 1973, pp.17-36.

³⁸⁵ In, “Solidarity in Deeds and Actions,” *Sechaba*, Official Organ of African National Congress South Africa, Volume 8, No.8, August 1973, p.5

³⁸⁶ UN GA RES/ 3102 (XXVIII)—“Respect of Human Rights in Armed Conflict”, adopted at the 2197th plenary meeting, on 12 December 1973, United Nations Digital Library, Available at: <https://digitallibrary.un.org>

³⁸⁷ See Appendix I of this document for details on the voting for the resolution.

and the suffering caused by such conflicts, and expressed its determination to continue all efforts to that end.³⁸⁸

The Assembly also noted the fact that armed conflicts continued to cause untold human suffering and material devastation and expressed its conviction that in all such conflicts rules were needed to reduce the suffering and increase the protection of non-combatants and civilian objects.³⁸⁹

The GA, further reaffirmed the urgent need to ensure full and effective application by all parties to armed conflicts of existing legal rules relating to such conflicts, in particular, The Hague Conventions of 1899 and 1907³⁹⁰, the Geneva Protocol of 1925³⁹¹ and the Geneva Conventions of 1949³⁹², and to take into account modern developments in methods and means of warfare.³⁹³

Under the operative part of the resolution, the Assembly, among other things, expressed its appreciation to the Swiss Federal Council for convoking in 1974, the Diplomatic Conference on the Reaffirmation and Development of International

³⁸⁸ UN GA RES/ 3102 (XXVIII)—“Respect of Human Rights in Armed Conflict”, adopted at the 2197th plenary meeting, on 12 December 1973, United Nations Digital Library, Available at: <https://digitallibrary.un.org>

³⁸⁹ *Ibid.*

³⁹⁰ These treaties are known as “The Hague Conventions” because they were adopted at the Peace Conferences that were held in The Hague, Netherlands, in 1899 and 1907. They establish the laws and customs of war in the strict sense, by defining the rules that belligerents must follow during hostilities. In, The Practical Guide to Humanitarian Law, Available at: <https://guide-humanitarian-law.org>

³⁹¹ The Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, was signed in Geneva on June 17, 1925. Known as the Geneva Protocol, in effect it banned the first use of both chemical and biological weapons, United Nations Office of Disarmament Affairs, Available at: <https://disarmament.unoda.org>

³⁹² In 1949, an international conference of diplomats built on the earlier treaties for the protection of war victims, revising and updating them into four new conventions comprising 429 articles of law—known as the Geneva Conventions of August 12, 1949, International Committee of the Red Cross (ICRC), Available at: <https://www.redcross.org>

³⁹³ UN GA RES/ 3102 (XXVIII)—“Respect of Human Rights in Armed Conflict”, adopted at the 2197th plenary meeting, on 12 December 1973, United Nations Digital Library, Available at: <https://digitallibrary.un.org>

³⁹³ *Ibid.*

Humanitarian Law Applicable in Armed Conflicts (IHL); and urged that the national liberation movements recognised by the various regional inter-governmental organisations concerned be invited to participate in the Conference as observers, according to the practice of the UN.³⁹⁴

The Assembly further urged participants in the Conference to do their utmost to reach an agreement on additional rules which might help to alleviate the suffering brought by armed conflicts and to protect non-combatants and civilian objects in such conflicts; and appealed to all parties to armed conflicts to acknowledge, and comply with, their obligations under humanitarian instruments and to observe the applicable international humanitarian rules.³⁹⁵

In the following session, the GA adopted two key resolutions. On 29 November 1974, the Assembly decided to invite all States to participate in the UN Conference on the Representation of States in Their Relations with International Organisations.³⁹⁶

The Assembly also decided to invite the national liberation movements recognised by the OAU and/or by the League of Arab States (LAS) in their respective regions, to participate as observers in that Conference by UN practice.³⁹⁷

Those decisions were embodied in Resolution 3247 (XXVIII), which was adopted by 105 votes to 3, with 15 abstentions.³⁹⁸ The resolution was based on the proposal of: Algeria; Botswana; Egypt; Ghana; Guyana; the Ivory Coast; Kenya;

³⁹⁴ *Ibid.*

³⁹⁵ *Ibid.*

³⁹⁶ *For details about this conference see Chapter 8 of this research thesis.*

³⁹⁷ Also see Chapter 8 for details on the national liberation movements that were represented at the Conference on the Representation of States in Their Relations with International Organizations.

³⁹⁸ *In*, *Yearbook of the United Nations*, New York, 1974, p.866.

Lesotho; the Libyan Arab Republic; Mali; Nigeria; Somalia; the Syrian Arab Republic; Tunisia; the United Republic of Tanzania; and Yugoslavia.³⁹⁹

On 10 December 1974, the Assembly, under its decision of 18 December 1972, decided to invite all States to participate in the Conference of the International Women's Year⁴⁰⁰, and to invite the national liberation movements recognised by the OAU and/or by the LAS to participate as observers, on a regular basis and in accordance with earlier practice of the UN.⁴⁰¹ This decision was embodied in Resolution 3276 (XXVIII). This resolution was approved, by 124 votes to two, with two abstentions.⁴⁰² Resolution 3276 (XXVIII) was based on a proposal by Australia, Belgium, Iran, Nepal, Norway, the Philippines, Sierra Leone, Senegal, and Sweden.⁴⁰³

Towards the end of the twenty-ninth session, the GA took a more comprehensive decision relating to the growing recognition of the national liberation movements. This was in the form of Resolution 3280 (XXIX) of December 1974.⁴⁰⁴ With Resolution 3280 (XXIX), the Assembly decided to invite as observers, on a regular basis and by earlier practice, representatives of the national liberation movements recognised by the OAU to participate in the relevant work of the Main Committees of the GA and its subsidiary organs concerned.⁴⁰⁵

The GA also invited those representatives to participate in the same capacity in conferences, seminars and other meetings held under the auspices of the UN which related to their countries, and requested the Secretary-General, in consultation with

³⁹⁹ *Ibid.*

⁴⁰⁰ *For details about this conference see Chapter of this study.*

⁴⁰¹ *In*, *Yearbook of the United Nations*, New York, 1974, p.171.

⁴⁰² *Ibid.*

⁴⁰³ *Ibid.*

⁴⁰⁴ GA RES/3280 (XXIX). Cooperation between the United Nations and the Organisation of African Unity, adopted at the 2312th plenary meeting, 10 December 1974, World Legal Institute, Available: <http://www.wordlii.org>

⁴⁰⁵ *Ibid.*

the OAU, to ensure that the necessary arrangements were made for their effective participation, including the requisite financial provisions.⁴⁰⁶

The GA, further, recommended to the other UN organs concerned, in consultation with the OAU, to ensure that the necessary arrangements are made to facilitate the effective participation of these national liberation movements in their relevant proceedings; and requested the Secretary-General to submit to the GA at its thirtieth session a report on the implementation of the resolution and the development of co-operation between the OAU and the organisations concerned within the UN.⁴⁰⁷

Resolution 3280 (XXIX) was sponsored in the GA by 42 member States of the OAU, namely: Algeria; Botswana; Burundi; Central African Republic; Chad; Congo; Dahomey; Egypt; Equatorial Guinea; Ethiopia, Gabon; Gambia; Ghana; Guinea; Guinea-Bissau; Ivory Coast; Kenya; Lesotho; Liberia; Libyan Arab Republic; Madagascar; Malawi; Mali; Mauritania; Mauritius; Morocco; Niger; Nigeria; Rwanda; Senegal; Sierra Leone; Somalia; Sudan; Swaziland; Togo; Tunisia; Uganda; United Republic of Cameroon; United Republic of Tanzania; Upper Volta; Zaire; and Zambia.⁴⁰⁸

At its 2318th meeting, on 13 December 1974, the Assembly adopted Resolution 3300 (XXIX), on the implementation of the Declaration on Independence by the specialized agencies and the international institutions associated with the UN. Adopted without objection on the recommendation of the Fourth Committee, this resolution set forth the GA's decisions on the question.⁴⁰⁹

The sponsors of the resolution were: Afghanistan, Bulgaria, Burundi, the Byelorussian SSR, the Central African Republic, the Congo, Cuba, Czechoslovakia,

⁴⁰⁶ *Ibid.*

⁴⁰⁷ *Ibid.*

⁴⁰⁸ *Ibid.*

⁴⁰⁹ *Yearbook of the United Nations*, New York, 1974, p.777.

Democratic Yemen, Egypt, Ethiopia, Gabon, the German Democratic Republic, Ghana, Hungary, India, Indonesia, Iran, Iraq, the Ivory Coast, Kenya, Liberia, Mongolia, Nigeria, Pakistan, Poland, Romania, Rwanda, Sierra Leone, the Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, the Ukrainian SSR, the United Arab Emirates, the United Republic of Tanzania, Upper Volta, Yugoslavia, Zaire, and Zambia.⁴¹⁰

By the preamble of the resolution, the Assembly, among other things, expressed its awareness of the urgent and pressing need of the peoples in colonial territories in Africa for concrete assistance from the specialized agencies and other institutions associated with the UN in the administration of their countries and the reconstruction programs being undertaken by their national liberation movements.⁴¹¹

The GA also noted with satisfaction the measures taken by several agencies and organisations within the UN system to grant observer status to the national liberation movements; and expressed the hope that other organisations would take the necessary steps in that regard.⁴¹²

It, further, welcomed the categorical renunciation by the Government of Portugal of the colonialist policy of its predecessors, in particular the unequivocal acceptance by that Government of its obligations under the relevant provisions of the

⁴¹⁰ In, "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the Specialized Agencies and International Institutions associated with the United Nations," *Report of the Fourth Committee*, Document: A/9942, United Nations General Assembly, 11 December 1974, p.1.

⁴¹¹ UN GA RES/3300 (XXIX)—Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialised agencies and the international institutions associated with the United Nations", Adopted at the 2318th Plenary Meeting, 13 December 1974, United Nations Digital Library, Available at: <https://digitallibrary.un.org>

⁴¹² *Ibid.*

Charter and its recognition of the right of the peoples concerned to self-determination and independence.⁴¹³

Under the operative provisions of the resolution, the GA among other things approved the chapter of the report of the Special Committee (on independence) on the question and reaffirmed that the recognition by the Assembly, the SC, and other UN bodies of the legitimacy of the struggle of colonial peoples to achieve freedom and independence entailed a full extension by the UN system of organisations of all necessary moral and material assistance to those peoples, including in particular the populations in the liberated areas of the colonial territories and their national liberation movements⁴¹⁴

The Assembly also urged all the specialized agencies and institutions associated with the United Nations and all States to give, as a matter of urgency, all possible moral and material assistance to the peoples in Africa struggling for their liberation from colonial rule and, in particular, recommended that the organisations concerned initiate or broaden contacts and co-operation with those peoples in consultation with OAU and work out and implement concrete programs for such assistance, with the active collaboration of the national liberation movements concerned.⁴¹⁵

The GA, again asked the specialised agencies and other organisations, particularly the United Nations Development Programme (UNDP) and the World Bank, to increase the scope and flexibility of their assistance to refugees; and urged once again that those agencies and organisations take all necessary measures to withhold any financial, economic, technical or other assistance from the Government of South Africa and the illegal regime in Southern Rhodesia, discontinue all support to them

⁴¹³ *Ibid.*

⁴¹⁴ *Ibid.*

⁴¹⁵ *Ibid.*

until they restored to the peoples of Namibia and Zimbabwe their inalienable right to self-determination and independence, and refrain from taking any action which might imply recognition of the legitimacy of the domination of the territories by those regimes.⁴¹⁶

The Assembly, further, requested the specialized agencies and other organisations within the UN system to make appropriate procedural arrangements to enable representatives of the national liberation movements of the colonial territories recognised by OAU to participate fully as observers in all proceedings relating to their countries, particularly to ensure that assistance projects of the agencies and organisations were carried out to the benefit of the national liberation movements and peoples of the liberated areas.⁴¹⁷

The Assembly, therefore, recommended that all governments intensify their efforts in the specialized agencies and organisations within the UN system of which they were members.⁴¹⁸ Accordingly, that action would ensure the full and effective implementation of the Declaration on independence and other relevant UN resolutions; and would also provide emergency assistance to the colonial territories and their national liberation movements on a priority basis.⁴¹⁹

To facilitate such action, the GA urged the executive heads of the specialized agencies and other organisations within the UN system to formulate and submit to their respective governing bodies or legislative organs, as a matter of priority and with the active cooperation of OAU, concrete proposals for the full implementation of the relevant UN decisions, in particular specific programs of all possible assistance to the peoples in colonial territories and their national liberation movements, together with a

⁴¹⁶ *Ibid.*

⁴¹⁷ *Ibid.*

⁴¹⁸ *Ibid.*

⁴¹⁹ *Ibid.*

comprehensive analysis of the problems, if any, confronted by those agencies and organisations.⁴²⁰

The increased acknowledgment of the role of the national liberation movements in the decolonisation process was further revealed by additional international instruments and norms for the protection of freedom fighters. This could precisely be found in the GA's numerous appeals aimed at ensuring the application to members of the liberation movements' armed forces of the provisions of the Geneva Convention of 1949⁴²¹ and the 1907 Hague Convention.⁴²²

Resolution 2621 (XXV) contained such appeals and reiterated some of the principles already outlined in previous Assembly resolutions and in particular laid down that 'armed conflicts involving the struggle of peoples against colonial and alien domination and racist regimes were to be regarded as international armed conflicts in the sense of the 1949 Geneva Conventions'.⁴²³

In Resolution 2674 (XXV) of 9 December 1970, the GA, among other things, condemned the actions of countries that, in flagrant violation of the Charter, continued to conduct aggressive wars and defy accepted principles of the Geneva Protocol of 1925 and the Geneva Conventions of 1949.⁴²⁴

⁴²⁰ *Ibid.*

⁴²¹ Ratified in 1949, these Conventions defines the basic rights of wartime prisoners (civilians and military personnel, established protections for the wounded and sick, and established protections for the civilians in and around a war-zone; and the rights and protections afforded to non-combatants.

⁴²² The Hague Conventions of 1907 are international treaties and declarations negotiated at an international peace conferences held at The Hague in the Netherlands. Along with the Geneva Conventions, the Hague Conventions were among the first formal statements of the laws of war and war crimes in the body of secular international law.

⁴²³ See UN GA Resolution 2621 (XXV) above, and other resolutions of the GA relating to Human Rights in Armed Conflicts, such as, 2674 (XXV) of 9 December 1970 and 2852 (XXVI) of 20 December 1971. Notably, the same appeal was made in various GA resolutions relating to the Territories under Portuguese administration, Zimbabwe and South West Africa (Namibia).

⁴²⁴ UN GA RES/2674 (XXV)—Respect for Human Rights in Armed Conflict, adopted at the 1922 nd plenary meeting, 19 December 1970, World Legal Institute, Available at: www.worldlii.org

The Assembly, also affirmed that the participants in resistance movements and the freedom fighters in Southern Africa and territories under colonial and alien domination and foreign occupation— struggling for their liberation and self-determination—should be treated, in case of their arrest, as prisoners of war by the Hague Convention of 1907 and the Geneva Conventions of 1949.⁴²⁵

By the operative part of Resolution 2852 (XXVI) of 20 December 1971, the GA, among other things, called again upon all parties to any armed conflict to observe the rules laid down in The Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925, the Geneva Conventions of 1949 and other humanitarian rules applicable in armed conflicts and invited those States which had not yet done so to adhere to those instruments.⁴²⁶

The Assembly, further, reaffirmed that persons participating in resistance movements and freedom fighters in Southern Africa and territories under colonial and alien domination and foreign occupation who were struggling for their liberation and self-determination should, in case of arrest, be treated as prisoners of war by the principles of The Hague Convention of 1907 and the Geneva Conventions of 1949.⁴²⁷

At its twenty-eighth session, on 12 December 1973, the GA adopted Resolution 3103 (XXVII). Its adoption implied that force used by national liberation movements or third States to resist denial of self-determination was, in fact, legitimate under the UN Charter.⁴²⁸ Resolution 3103 (XXVII) was relatively short but revolutionary resolution that placed the national liberation, particularly their struggle, within the ambit of

⁴²⁵ *Ibid.*

⁴²⁶ UN GA RES/2852 (XXVI)—Respect for Human Rights in Armed Conflict, in *Yearbook of the United Nations*, New York, 1971, p.617.

⁴²⁷ *Ibid.*

⁴²⁸ N Higgins, “The Application of International Humanitarian Law to Wars of National Liberation,” *Journal of Humanitarian Assistance*, 2004, Available at: <http://www.jha.ac>

international law and in accordance with the UN and the Universal Declaration of Human Rights.⁴²⁹

Under Resolution 3103, the Assembly proclaimed six basic principles of the legal status of combatants struggling against colonial and alien domination and racist regimes. The first of the six principles was that the struggle of peoples under colonial and alien domination and racist regimes for the implementation of their right to self-determination and independence was legitimate and in full accordance with the principles of international law.⁴³⁰

The second was that any attempt to suppress the struggle against colonial and alien domination and racist regimes was incompatible with the Charter of the UN, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the UN, the Universal Declaration of Human Rights and the Declaration on Independence constituted a threat to international peace and security.⁴³¹

Third, was that the armed conflicts involving the struggle of peoples against colonial and alien domination and racist regimes were to be regarded as international armed conflicts in the sense of the 1949 Geneva Conventions, and the legal status envisaged to apply to the combatants in those Conventions and other international instruments was to apply to the persons engaged in armed struggle against colonial and alien domination and racist regimes.⁴³²

Fourth was that the combatants struggling against colonial and alien domination and racist regimes captured as prisoners were to be accorded the status of prisoners

⁴²⁹ GM Houser, "General Assembly Resolution 3103 (XXVIII)— Legal Status of Freedom Fighters", in *Southern Africa: The United States Record at the United Nations*, Africa Fund, 1973, p.1.

⁴³⁰ *Ibid.*

⁴³¹ *Ibid.*

⁴³² *Id.*, *Yearbook of the United Nations*, New York, 1973, pp.549- 550.

of war and their treatment should be by the provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949.⁴³³

The fifth principle was that the use of mercenaries by colonial and racist regimes against the national liberation movements struggling for their freedom and independence from the yoke of colonialism and alien domination was considered to be a criminal act and the mercenaries should accordingly be punished as criminals.⁴³⁴

The last principle was that the violation of the legal status of the combatants struggling against colonial and alien domination and racist regimes in the course of armed conflicts entailed full responsibility by the norms of international law.⁴³⁵

Collectively, these principles reflected a set of norms that regulated the recourse to armed force in non-international armed conflicts at the domestic level⁴³⁶, but also at the same time implied the UN support of the legality of the national liberation movements' struggle against colonialism, alien domination, and racism.

3.3 Conclusion

This chapter set out to talk about reactions and responses to the representation of national liberation movements at the UN. It was found that one major reaction and response to their representation was UN acknowledgement of the role of the liberation movements in decolonisation process. As discussed, their acknowledgement was expressed by offering aid to them, via the OAU; and also, by inviting their representatives to participate in the proceedings and deliberations of the Main Committees of the UN GA and its organs and agencies, observers. In a sense, and as

⁴³³ *Ibid.*

⁴³⁴ *Ibid.*

⁴³⁵ *Ibid*, p.550.

⁴³⁶ *Ibid.*

illustrated, the UN came to play closer to the national liberation movements than the colonial powers, by adopting decisions that pushed the movements higher on the political ladder. This move, as observed, started with appeals by the UN to the member States to provide the moral and material support to the liberation movements. Later, also shown, UN decided that the members of the movements of the territories in Africa be treated in accordance with the laws relating to international armed conflicts and human right— implying that they had become part of the UN system legally. Discernibly, as noted, the voting on the GA's decisions, especially those that were adopted during the period between 1965 and 1974, clearly proved to a significant pointer regarding recognition of the liberation movements' role within the UN system. The unanimity with which those decisions were adopted, proved to be another major reaction, and respond to the representation of the national liberation movements in the UN. The next chapter discussed the role of the OAU on the representation of national liberation movements at the UN.

CHAPTER 4: THE ROLE OF OAU ON REPRESENTATION OF NATIONAL LIBERATION MOVEMENTS AT THE UN, 1963-1974

4.1 Introduction

This chapter's first section introduces the subject of OAU role on the representation of national liberation movements at the UN. The next section describes the OAU decisions on the support and aid for the national liberation movements, especially those that were adopted during the period between 1963 and 1974, to outline the role of the Organisation on representation of the movements at the UN. The third section concludes the chapter.

Upon its foundation in 1963, the OAU⁴³⁷ asserted its primary goal of spearheading the decolonisation process. That included the struggle against colonialism, apartheid, and the decolonisation of the remaining colonial territories in Africa.⁴³⁸ It named colonialism and apartheid as threats to African peace and security; violated the inalienable rights; and opposed the principles of self-determination and independence. Initially, the OAU stressed that those political ills should be eradicated peacefully without bloodshed. However, circumstances, especially in Namibia, Zimbabwe, and the territories under Portuguese dominance, the use of force was inevitable.⁴³⁹

Consequently, the OAU decided to help and support the national liberation movements in those territories militarily. The aid and support provided by the OAU took different forms, such as diplomatic action on behalf of the movements. One weapon for this diplomacy was the recognition by the OAU of the national liberation movements as authentic representatives of colonial countries and peoples. The

⁴³⁷ Amongst the Founding Fathers of the OAU were Kwame Nkruma (Ghana); Haile Selassie (Ethiopia); Julius Nyerere (Tanzania); Jomo Kenyatta (Kenya); and Kenneth Kaunda (Zambia)

⁴³⁸ I Boavida, et.al, *The Emperor of Ethiopia in Lusoland: Haile Selassie's state visit to Portugal in 1959 and the Birth of the OAU*, Centro de Estudos Africanos, Portugal, 2010, p.40.

⁴³⁹ "Agenda Item II: Decolonisation", *CLAS/Plen.2/Reve.2*, OAU Secretariat, Addis Ababa, Ethiopia.

criteria for recognizing the movements were based on their 'representativeness' and effectiveness in their struggles.⁴⁴⁰ The Liberation Committee⁴⁴¹ was the OAU organ responsible for recognizing the movements. Recognition by OAU of the liberation movements was significant for their legal standing in the UN⁴⁴² because it conditioned and determined the world body's actions concerning colonialism and apartheid.⁴⁴³

Arguably, the OAU played a colossal role on representation of the national liberation movements at the UN. The representation of liberation movements at the UN is a significant pointer because it gave legitimacy to the liberation struggle against racism and colonialism in Africa. It is also significant because it provided independent African states with machinery to supply the liberation movements with material and other aid needed to wage their armed struggles. In particular, it is critical because it set in motion a unified African policy toward colonial and settler regimes in Africa; and enabled the regional body to solicit international support for the liberation efforts in Southern Africa.⁴⁴⁴ It is, further, a significant pointer because it reflected developments in the new international legal order of the last half of the twentieth century in which the right to self-determination had become entrenched in the *Jus cogens*, basic, fundamental, imperative, or overriding rules of international law, peremptory norms which could not be set aside by treaty or acquiescence but only by the formation of a subsequent norm of contrary effect.⁴⁴⁵ Further, it is a significant pointer because it legitimized the move by the GA⁴⁴⁶ to secure greater information regarding

⁴⁴⁰ J Faundez, "International Law and Wars of National Liberation: Use of Force and Intervention", *African Journal of International and Contemporary Law*, Volume 85, No. 94, 1989, p.85.

⁴⁴¹ Designed to serve the objective of African liberation, the African Liberation Committee was established at the founding summit of the OAU in Addis Ababa, Ethiopia in May 1963. In, HS Yousuf, "The OAU and the African Liberation Movement", *Pakistan Horizon*, Fourth Quarter Vol. 38, No. 4, 1985, p.55.

⁴⁴² K Mastorodimos, "National Liberation Movements: Still a Valid Concept to International Law?" *Oregon Law Review*, Vol.117. 71, 2016, pp.78-79.

⁴⁴³ I Boavida, et.al, *The Emperor of Ethiopia in Lusoland: Haile Selassie's state visit to Portugal in 1959 and the Birth of the OAU*, Centro de Estudos Africanos, Portugal, 2010, p.41.

⁴⁴⁴ MA El-Khawas, "The Quite Role of OAU in Africa's Liberation," *New Directions*, 5 (2), Article 7, 1978, p.16.

⁴⁴⁵ L Berat, "Namibia: The Road to Independence and The Problem of Succession of States," *Journal of Political Science*, Volume 18, No.1, Article 10, November 1990, p.40.

⁴⁴⁶ M Shaw, "The International Status of National Liberation Movements," *The Liverpool Law Review*, (1), Centre for International Law, University of Essex, 1983, p.23.

developments in particular territories, thereby implicitly acknowledging a kind of superior status in respect of the national liberation movements in African territories. This legitimisation was in the form of granting the movements recognised by the OAU an 'observer' status in the UN GA main committees and organs.⁴⁴⁷ It appears that the OAU linkage of the liberation movements with the UN was a well-orchestrated diplomatic action; and the first formal institutional linkage that set-in motion exploratory talks between OAU and the UN as far as decolonisation was concerned.⁴⁴⁸ This linkage creates a gap that is yet to be scholarly addressed in Africa's diplomatic history.

A proper starting point for understanding the role of OAU on the representation of national liberation movements at the UN is examining the continental body's decisions on recognition of the liberation movements. This requires examining those that were adopted during the period between 1963 and 1974. Although not legally binding on the OAU member states⁴⁴⁹, an analysis of the OAU decisions on recognition of the movements is critical because they suggested diplomatic action against colonial powers in Africa, such as South Africa, Southern Rhodesia, and Portugal, as well as appropriate action in the UN and severance of diplomatic relations.⁴⁵⁰

The non-binding nature of these resolutions held effects for the OAU' support and assistance to the national liberation movements because they did not deter states such as Malawi, to continue their diplomatic relations with white minority regimes,

⁴⁴⁷ K Mastorodimos, "National Liberation Movements: Still a Valid Concept to International Law?" *Oregon Review of International Law*, Vol.117. 71, 2016, pp.78-79.

⁴⁴⁸ E Gorelick, "Apartheid and Colonialism," *The Comparative and International Law Journal of Southern Africa*, Institute of Foreign and Comparative Law, 1986, p.7.

⁴⁴⁹ M Paterson, "African Union at Ten: Problems, Progress, and Prospects," *Report*, Centre for Conflict Resolution, 2013, p.6.

⁴⁵⁰ GL Binaiisa, "Organisation of African Unity and Decolonisation: Present and Future Trends," *The Annals of the American Academy of Political and Social Science* (432), Sage Publications, Inc. in association with the American Academy of Political and Social Science, July 1977, p.58.

especially South Africa. In 1971, for example, President Kamuzu Banda made a state visit to South Africa to the chagrin of other African leaders.⁴⁵¹

An examination of the OAU decisions on recognition of the movements is also critical because they moulded the international public opinion and influenced it by the active pursuit of the OAU goals through aggressive participation in international fora on behalf of the liberation movements in their struggle against colonialism and apartheid.⁴⁵² For example, the OAU, through the UN forced South Africa out of the ECA, the Food and Agriculture Organisation (FAO), the International Labour Organisation (ILO), and even the Olympic games.⁴⁵³ Also, the OAU generated pressure on other countries to sever relations with Southern Rhodesia.⁴⁵⁴ In the same manner, the OAU through the UN internationalized the Portuguese colonial policy by addressing the situation within territories under its administration regularly, adopting decisions, and promoting initiatives to convince Portugal to take steps for decolonisation.⁴⁵⁵

4.2 The OAU Executive Council Decisions on the Support and Assistance for the National Liberation Movements, 1963-1974

During the period between 1963 and 1974, the OAU adopted several resolutions and recommendations that revealed its commitment to support the national liberation movements struggling against colonialism and apartheid in Southern Africa. In a general sense, African states such as Tanzania, Zambia and Congo (Brazzaville),

⁴⁵¹ J Miller, "Africanising Apartheid: Identity, Ideology, and State-Building in Post-Independence Africa", *Journal of African History*, Vol.56, Cornell University, 2015, p.459.

⁴⁵² A Tekle, "Tale of Three Cities: The OAU and the Dialectics of Decolonization," *Africa Today*, 35 (3/4), Indiana University Press, 3rd Quarter, 1988, p.59.

⁴⁵³ GL Binaisa, "Organisation of African Unity and Decolonisation: Present and Future Trends", *The Annals of the American Academy of Political and Social Science* (432), Sage Publications, Inc. in association with the American Academy of Political and Social Science, July 1977, p.58.

⁴⁵⁴ *Ibid.*

⁴⁵⁵ AA E Santos, et.al., "International Solidarities and Liberation of the Portuguese Colonies," *Arche e Oriente*, Anno XIX, Numero 3, 2017, p.50.

responded to these resolutions and recommendations by allowing the national liberation movements to establish their offices and centres there.⁴⁵⁶ Significantly, it was from the centres where members of the national liberation movements intermingled, created synergies, exchanged ideas, and absorbed knowledge of each other.⁴⁵⁷ As an indication of the general, actions and decisions of the independent African states concerning their support to the national liberation were welcomed by representatives of the movements

The first of these resolutions was adopted at the First Summit Conference of the Assembly of Heads of State and Government in May 1963. This resolution was under Agenda Item II entitled 'Decolonisation.'⁴⁵⁸ Under the resolution, the Assembly, reaffirmed its support of African nationalists in Zimbabwe and solemnly declared if the territory were to be usurped by a racial white minority government, State Members of OAU would lend their effective moral and practical support to any legitimate measures which the African nationalist might have devised to recover such power and restore it to the African majority; and the Conference undertaking henceforth to concert the efforts of its Members to take such measures as the situation demanded against any State according to recognition to the minority.⁴⁵⁹

The Assembly, also, reaffirmed further, that the territory of Namibia was an African territory under the international mandate and that any attempt by the Republic of South Africa to annex it would be regarded as an act of aggression; and reaffirmed also its determination to render all necessary support to the second phase of Namibia⁴⁶⁰ before the International Court of Justice (ICJ); and reaffirmed, still further

⁴⁵⁶ G Houser, "African National Liberation Movements: Report on a Trip to Africa, Spring 1967", *Africa Today*, Volume 14, No.4, August 1967, p.11.

⁴⁵⁷ M Grilli, *Southern African Liberation Movements in Nkrumah's Ghana*, Oxford, 2021, p.1.

⁴⁵⁸ "Agenda Item II; Decolonisation", *CLAS/Plen.2/Rev.2*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, May 1963.

⁴⁵⁹ *Ibid.*

⁴⁶⁰ Initially, Namibia was a German colony. After the dissolution of the German Empire at the end of the First World War (WWI), it was mandated to South Africa under the terms of an agreement incorporated into the newly established League of Nations.

the inalienable right of the people of that territory to self-determination and independence.⁴⁶¹

In addition, the Assembly, pleaded with the Great Powers⁴⁶² so that they cease, without exception, to lend their direct or indirect support or assistance to all those colonial governments which might use such assistance to suppress national liberation movements, particularly the Portuguese Government which was conducting a real war of genocide in Africa.⁴⁶³

The Assembly, therefore, earnestly, invited all national liberation movements to coordinate their efforts establishing common action fronts wherever necessary to strengthen the effectiveness of their struggle and the rational use of the concerted assistance given to them— strengthen the effectiveness of their struggle and the rational use of the concerted assistance given to them.⁴⁶⁴

During its Second Ordinary Session, held in Lagos, Nigeria, from 24 to 29 February 1964, the Council of Ministers adopted resolutions on apartheid in South Africa; and Zimbabwe. By the resolution on apartheid in South Africa, the Council, requested that delegation to approach the UN SC so that the latter should take all necessary steps as soon as possible to implement its resolutions S/5386 (7 August 1963) and S/5471 (4 December 1963), concerning the discontinuation of the mockeries of trials (main one being the 1963- 1964 Treason Trial) given to South African nationalists and the release of all those persons who were imprisoned, interned or subjected to other restrictions for having opposed apartheid.⁴⁶⁵

⁴⁶¹ “Agenda Item II; Decolonisation”, *CLAS/Plen.2/Rev.2*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, May 1963.

⁴⁶² These were countries such as Portugal, Spain, the Dutch Republic, France, and England. By discovery, conquest, and settlement, these nations expanded and colonized throughout the world, spreading European institutions and culture.

⁴⁶³ “Agenda Item II; Decolonisation”, *CLAS/Plen.2/Rev.2*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, May 1963.

⁴⁶⁴ *Ibid.*

⁴⁶⁵ *Ibid.*

With the resolution on Zimbabwe, the Council, called on the Liberation Committee of the OAU to strengthen its support to the courageous African nationalists so that they might intensify the struggle and carry it to its logical conclusion with independence based on the principle of 'one man, one choice'.⁴⁶⁶

At the next Session, in July 1964, the Council of Ministers adopted further resolutions Zimbabwe; the Portuguese Administered Territories and South Africa. The adoption of these resolutions was due the deteriorating situation there, brutality resulting from the action racist regimes in those territories. About Zimbabwe, the Council adopted recommendations for action by the Assembly and the UK Government. In particular, it recommended to the Assembly that it urged the African States take a vigorous stand against a Declaration of Independence of Zimbabwe (UDI) by a European, minority government; and that those States pledge themselves to take appropriate measures, including recognition and support of an African nationalist government in exile should such an eventuality arise.⁴⁶⁷

As for UK Government, the Council recommended that it be called upon to convene immediately a constitutional conference in which representatives of all political groups in the territory would participate to prepare a revised democratic constitution ensuring majority rule based on 'one man, one vote'.⁴⁶⁸ It also, recommended that the UK immediately release Joshua Nkomo (ZAPU), the Reverend Ndabininge Sithole and all other political prisoners and detainees.⁴⁶⁹

⁴⁶⁶ "Southern Rhodesia", *CM/Res.14 (II)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, February 1964.

⁴⁶⁷ "Southern Rhodesia," *CM/Res. 33 (III)*, Organisation of African Unity Secretariat, Addis Ababa, July 1964.

⁴⁶⁸ *Ibid.*

⁴⁶⁹ *Ibid.*

The Council, further, recommended but without mentioning names, that some Governments offer their good offices to the nationalist parties in Zimbabwe to bring about a united front of all the liberation movements for the rapid attainment of their common objective of independence.⁴⁷⁰ It, therefore, appealed to the African Nationalist movements in Zimbabwe to intensify their struggle for immediate independence.⁴⁷¹ Discernibly, these Council' recommendations were meant to bring all Stakeholders in Zimbabwe with the purpose of finding a common ground for the solution of the debacle, in particular, speedy move towards independence based on majority rule.⁴⁷²

In response, the Assembly requested the Government of UK to at once release of all political prisoners and detainees. It also asked the Governments of Malawi, Tanzania, and Zanzibar to offer their good offices to the nationalist parties in Southern Rhodesia. That was done with the purpose of forging a united front of all the liberation movements for the rapid attainment of their common goal of independence and to aid the movements intensify their struggle for immediate independence.⁴⁷³

In a further action, the Assembly appealed to the African States take a vigorous stand against the UDI by a European minority government. It also requested those States to pledge themselves to take appropriate measures including the recognition and support of an African nationalist government in exile should such an eventuality arise; and the Government of the UK to convene immediately a constitutional conference in which representatives of all political groups in the territory would participate to prepare a revised democratic constitution ensuring majority rule based on 'one man, one vote.'⁴⁷⁴

⁴⁷⁰ *Ibid.*

⁴⁷¹ *Ibid.*

⁴⁷² *Ibid.*

⁴⁷³ *Ibid.*

⁴⁷⁴ *Ibid.*

As for the Portuguese Administered Territories, the Council recommended that the Assembly condemn Portugal for its persistent refusal to recognise the right of the peoples under its domination to self-determination and independence and for its non-compliance with the resolution of the GA and SC of the UN. It also recommended to the Assembly to plead with African nationalist movements in the territories under Portuguese administration to intensify their struggle for their immediate liberation.⁴⁷⁵

The Assembly responded by condemning Portugal for refusing to recognise the right of the peoples under its domination to self-determination and independence and for its non-compliance with the resolutions of the UN GA and SC and appealed to the African nationalist movements in the territories under Portuguese administration to intensify their struggle for their immediate liberation.⁴⁷⁶

By the resolution on South Africa, the Council decided, among other things, to submit to the First Assembly of Heads of State and Government, the following recommendation: to call for the release of Nelson Mandela, Walter Sisulu (leaders of the ANC, South Africa), Mangaliso Sobukwe (leader of the PAC) and all other nationalists imprisoned or detained under the arbitrary laws of South Africa.⁴⁷⁷

The Assembly of Heads of State and Government responded by expressing its deep distress at the convictions of and sentences passed on African nationalists,

⁴⁷⁵ "Resolutions and Recommendations Adopted by the Third Ordinary Session of the Council of Ministers held in Cairo, Egypt, from 13 to 17 July 1964", *CM/Res. 34 (III)*, Organisation of African Unity, Addis Ababa, Ethiopia, July 1964.

⁴⁷⁶ "Territories under Portuguese Domination", *AHG/Res.9 (I)*, Organisation of African Unity Secretariat, Addis Ababa, July 1964.

⁴⁷⁷ "Resolutions and Recommendations Adopted by the Third Ordinary Session of the Council of Ministers held in Cairo, Egypt, from 13 to 17 July 1964", *CM/Res. 31 (III)*, Organisation of African Unity, Addis Ababa, Ethiopia, July 1964.

particularly on Mandela and Sisulu Sobukwe and all other nationalists, imprisoned or detained under the arbitrary laws of South Africa.⁴⁷⁸

In October 1965, the Council based on its previous resolutions and those of the Assembly, took further actions relating Zimbabwe, South Africa and the Portuguese Administered territories. With the one on Zimbabwe the Council, among other things, urged the Government of the UK to immediately release all the leaders of the nationalist movements, Joshua Nkomo, Ndabaningi Sithole and all other political prisoners; and decided to recommend the Assembly of Heads of State and Government, to give immediate assistance to the people of Zimbabwe to bring about majority rule in the country; and to appoint a special committee to work out all forms of assistance to Southern Rhodesia.⁴⁷⁹

By the one on South Africa, the Council invited the liberation of the South African people to concert their policies and actions and intensify the struggle for full equality and appealed to all States to lend moral and material assistance to the liberation movements in their struggle.⁴⁸⁰

With respect to Portugues colonies, the Council requested the neighbouring countries to encourage freedom fighters (liberation movements) to provide war material which would assist in their fight for liberation. It also requested the liberation movements to intensify the struggle in the interior of territories and encouraged them to unite their efforts against colonialism.⁴⁸¹

⁴⁷⁸ "Apartheid and Racial Discrimination" *AHG/Res.7(I)*, Organisation of African Unity Secretariat, Addis Ababa, July 1964.

⁴⁷⁹ "Southern Rhodesia," *CM/Res.62 (V)*, Organization of African Unity Secretariat, Addis Ababa, October 1965.

⁴⁸⁰ "Apartheid and Racial Discrimination in the Republic of South Africa", *CM/Res.66 (V)*, Organisation of African Unity Secretariat, Addis Ababa, October 1965.

⁴⁸¹ "Territories Under Portuguese Domination," *CM/Res.67 (V)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, October 1965.

The Council, therefore, urged all countries that love freedom to grant liberation movements in those colonies, aided by the OAU the necessary political, and military assistance. Accordingly, this would, further lead to a swift and unconditional liberation of respective territories in which the struggle was being waged.⁴⁸²

Since it was necessary to intensify the armed struggle within the Portuguese-administered territories, the Assembly of Heads of State and Government requested: that the countries surrounding the Portuguese colonies grant the broadest possible freedom of movement of people and materials, necessary for the rapid success of the armed struggle carried out by the liberation movements; and all movements to intensify their struggles within their respective territories, and to come together in concerted action.⁴⁸³

The Assembly also invited the Liberation Committee to assist the nationalist movements that were fighting within the Portuguese colonies to be liberated. It also appealed to all freedom-loving countries to grant the liberation movements in Portuguese colonies aided by the OAU all necessary political, diplomatic and military aid with a view to the rapid and unconditional liberation of their respective territories.⁴⁸⁴ By inviting the Committee, the OAU had come to realise that movements were indeed determined to overthrow the colonial and racist Portuguese administration in those colonies, and that it was time for all African countries to lend their support for those movements.

Regarding the situation in Zimbabwe, the Council, urged the Government of the UK to, among other things, release all the leaders of the nationalist movements,

⁴⁸² *Ibid.*

⁴⁸³ "Territories Under Portuguese Domination," *AHG/Res.35 (II)*, Organization of African Unity Secretariat, Addis Ababa, Ethiopia, October 1965.

⁴⁸⁴ *Ibid.*

Joshua Nkomo, including Rev. Ndabaningi Sithole and all other political prisoners.⁴⁸⁵ However, that did not happen as the UK Government persistently refused to heed to the call to granting independence to the territory, based on majority government.

The Council, also, urged the Government of the UK to hold a constitutional conference with the participation of the duly elected representatives of the entire population of Zimbabwe, to adopt a democratic constitution guaranteeing universal suffrage (one man, one vote) free elections, and independence, as well as to recommend to the Assembly to provide immediate assistance to the people of Zimbabwe.⁴⁸⁶ However, this call fell on deaf ears because suffering continued in Zimbabwe and in the eyes of the Government of the UK.

In response, and concerned with the gravity of the situation in Zimbabwe, the Assembly deplored the refusal of the UK Government to state categorically that it would not grant independence to that territory except based on the majority government.⁴⁸⁷ On its part, the Council appealed to the UN to regard the Unilateral Declaration of Independence (UDI) as constituting a threat to international peace, and to take any steps that such a situation requires by the UN Charter and to help to establish a majority government in Zimbabwe.⁴⁸⁸

By the same resolution, the Council, further, requested the UK Government, among other things: to release the leader of the nationalist movements, Joshua Nkomo, the Reverend Nabaningi Sithole and other political prisoners; and to give

⁴⁸⁵ "Southern Rhodesia," *CM/Res.62 (V)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, October 1965.

⁴⁸⁶ *Ibid.*

⁴⁸⁷ "Resolutions adopted by the Second Session of the Assembly of Heads of State and Government Held in Accra, Ghana from 21 to 26 October 1965", *AHG/Res.25 (II)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, October 1965.

⁴⁸⁸ *Ibid.*

immediate assistance to the people of Zimbabwe to establishing a majority government in the country.⁴⁸⁹

The Council took further actions on the situation in Southern Africa, at its Seventh Ordinary Session, in November 1966. Their adoption was, accordingly, based on the Liberation Committee's ability to keep the torch of struggle against colonialism, imperialism and racial discrimination.⁴⁹⁰

As for Zimbabwe, the Council recommended to the OAU, and to all friendly governments, to give material and financial aid to the people of Zimbabwe who were fighting inside the territory. It, therefore, appealed to all member countries to contribute to the Special Southern Rhodesian Liberation Fund to enable all Zimbabwe nationalists to intensify the fighting against the rebels.⁴⁹¹

As a way of giving practical implementation of resolution establishing a Solidarity Committee for Zambia, appealed to the Member States to seek appropriate technical measures and economic assistance to Zambia. The idea was to enable Zambia to withstand the effects of the UDI, and to help the Zimbabwean freedom fighters more effectively.⁴⁹² In addition, and as way of showing sympathy with the people of Zimbabwe, the Council paid tribute to the freedom fighters who had died in the fight against the racist regime of Southern Rhodesia's usurper forces.⁴⁹³

⁴⁸⁹ *Ibid.*

⁴⁹⁰ The Council, had, by this paragraph of the resolution, recommended, amongst other things, to the OAU, and to all friendly Governments, to give material and financial aid to the Zimbabwe people who are fighting inside Zimbabwe.

⁴⁹¹ "Resolution on the OAU Co-ordinating Committee for the liberation of Africa", *CM/Res. 77/Rev.1 (VII)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, November 1966.

⁴⁹² C Chongo, "A Good Measure of Sacrifice: Aspects of Zambia's Contribution to the Liberation Wars in Southern Africa, 1964-1975", *Zambia Social Science Journal*, Volume 6, No.1, 2015/2016, pp.6-7.

⁴⁹³ "Resolution on the OAU Co-ordinating Committee for the liberation of Africa", *CM/Res. 77/Rev.1 (VII)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, November 1966.

In another resolution on Zimbabwe (CM/Res. 78 (VII) of November 1966), Council, further, appealed to all States to implement the provisions of Resolution 218 (1966) of 23 November 1965, of the UN Security Council, which, reaffirmed the immediate recognition of the right of the people of those territories to self-determination and independence; as well as the promulgation of an unconditional political amnesty and the establishment of conditions that will allow the free functioning of political parties.⁴⁹⁴

The Council, further proposed negotiations, based on the recognition of the right to self-determination, with the authorised representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with the 1960 Declaration and the granting of independence immediately thereafter to all the territories under its administration in accordance with the aspirations of the people.⁴⁹⁵

In addition, the Council appealed to all States to implement the provisions of Resolution 2107 (XX) of 21 December 1965 by the UN GA urging them, among other things, in co-ordination with the OAU, to render the peoples of the territories under Portuguese administration the moral and material support necessary for the restoration of their inalienable rights.⁴⁹⁶

With the resolution on South Africa, the Council, among other things: greeted all those who were struggling against apartheid, particularly in South Africa; and reaffirmed support for humanitarian programmes designed to assist victims of apartheid, including the UN Trust Fund for South Africa, and programmes to grant

⁴⁹⁴ "Resolution on Southern Rhodesia, *CM/Res. 78 (VII)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, November 1966.

⁴⁹⁵ *Ibid.*

⁴⁹⁶ *Ibid.*

scholarships, educational facilities and employment opportunities to refugees from South Africa.⁴⁹⁷

The Council, therefore, expressed its support for the decision of the UN GA to proclaim the anniversary of the Sharpeville Massacre, 21 March 1960, as 'International Day for the Elimination of Racial Discrimination'; and urged all African States and Organisations to cooperate in observing the day.⁴⁹⁸

Concerning Namibia the Council, among other things: appealed to all Member States to spare no efforts in helping the Namibia to rid themselves of foreign occupation in order to exercise the inalienable right to freedom and independence; and urged the Liberation Committee to give priority to the termination of the occupation of Namibia (by South Africa).⁴⁹⁹

The Council, therefore, welcomed with satisfaction that the resolution had unequivocally terminated the mandate of the Government of South Africa over Namibia; and therefore, South Africa had no right whatsoever to exercise authority in any form in South West Africa.⁵⁰⁰

To that end, the Council, appealed to all Member States to spare no efforts in helping the people of Namibia to rid themselves of foreign occupation to exercise their inalienable right to freedom and independence; and urged the Liberation Committee to give priority to the termination of the occupation of Namibia.⁵⁰¹

⁴⁹⁷ "Resolution on Apartheid and Racial Discrimination", *CM/Res. 86 (VII)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, November 1966.

⁴⁹⁸ *Ibid.*

⁴⁹⁹ "Resolution on South West Africa", *CM/Res. 87 (VII)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, November 1966.

⁵⁰⁰ *Ibid.*

⁵⁰¹ *Ibid.*

At its eighth ordinary session, in March 1967, the Council took a step further when it adopted several other resolutions on Zimbabwe and Namibia, respectively. By the resolution on Zimbabwe the Council, condemned the United States for constitutional responsibilities to the people of Zimbabwe by allowing the 'illegal racist regime'⁵⁰² of Ian Smith to consolidate its position in defiance of the rights of the people of Zimbabwe and world opinion.⁵⁰³

The Council, further, strongly reaffirmed the right of the people of Zimbabwe to freedom and self-determination; and appealed to the nationalist movements in that territory to unite their ranks, coordinate and intensify their efforts against the common enemy to expedite efforts against the common enemy in order to expedite the liberation of their territory and also to African States to give every assistance to the nationalist movements to ensure the liberation of the territory and the establishment of majority rule.⁵⁰⁴

By the resolution Namibia the Council, further recalling the 1960 Declaration on Independence and GA Resolution 2145 (XXI) of 27 October 1966⁵⁰⁵, encouraged the Members of the UN Ad Hoc Committee for South West Africa in their efforts which would enable the people of Namibia to exercise their right to self-determination and to achieve independence; and also, pledged its support to the Ad Hoc Committee and requested the UN to take all necessary measures towards the achievement of self-determination and independence for the territory of South-West Africa.⁵⁰⁶

⁵⁰² Smith's regime was illegal because it wanted to remain in power, denying the majority of the people of Zimbabwe the right to choose their own government.

⁵⁰³ "Resolution on Southern Rhodesia", *CM.Res.96 (VIII)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, March 1967.

⁵⁰⁴ *Ibid.*

⁵⁰⁵ By operative part of 2145 (XXI), the GA had ended the mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of South Africa in respect of South West Africa and set up an Ad Hoc Committee for South West African composed of fourteen Member States of the UN. *In, Yearbook of the United Nations*, New York, 1966, pp.601-602

⁵⁰⁶ "Resolution of South West Africa," *CM.Res.97 (VIII)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, March 1967.

The Council followed up with further resolutions at its next session, in September 1967. By a resolution on the Portuguese Administered Territories the Council, earnestly entreated all the nationalist movements to close their ranks, co-ordinate their activities and intensify their struggle to achieve self-determination and independence; and welcomed the resolution adopted and the measures taken by the UN to enable the largest possible number of Africans living under Portuguese domination to benefit from the special training programmes provided by UN specialized agencies.⁵⁰⁷

The Council, also, appealed to independent African countries to render every possible assistance to refugees and to the liberation movements of territories under Portuguese domination; and, recommended that a Committee comprising Congo Brazzaville, Congo-Kinshasa, Ghana, Egypt and Zambia, be constituted to study the situation prevailing in Angola, and to ensure every endeavour to induce the liberation movements to form a common front, to make the struggle for the liberation of Angola more effective.⁵⁰⁸

By another resolution, the Council paid tribute to all who were struggling tirelessly and effectively against apartheid, especially in South Africa; renewed its support for the humanitarian programmes designed to aid the victims of apartheid, in particular the UN Trust Fund for South Africa⁵⁰⁹, and for the programme providing fellowships and other opportunities of education and employment, for South African refugees; and, appealed to all States to make the twenty-first of March the anniversary

⁵⁰⁷ "Resolution on the Territories under Portuguese Domination", *CM/Res.101 (IX)*, Organisation of African Unity Secretariat, Addis Ababa, September 1967.

⁵⁰⁸ *Ibid.*

⁵⁰⁹ The UN Trust Fund for South Africa was set up by GA Resolution 2054 B(XX), which made up voluntary contributions from States, organisations and individuals, Governments of countries acting as hosts to refugees from South Africa, and other proper bodies, and to be used for relief to such persons and their dependents, among other things. In, United Nations Digital Library, Available: <https://digital.un.org>

of the Sharpeville Massacre, a truly international day for the end of discrimination against the black community.⁵¹⁰

In a resolution on Zimbabwe, the Council, further, urged the Members of the OAU, and other nations, to declare publicly that they would in no circumstances recognise any form of independence accorded to Zimbabwe by virtue of the principle of majority rule; and asked once again that those States increase their contributions to the Special Fund⁵¹¹ for the liberation of Zimbabwe to enable the African nationalists to fight against the rebel regime in that area.⁵¹²

The Council, therefore, recommended to the Executive Secretary of the Liberation Committee to extend financial aid and assistance desirable to the liberation movements of South Africa and Zimbabwe during the next year of activities of the OAU; and renewed its appeal to the liberation movements of Zimbabwe to exert fresh efforts to find a basis for unity, co-ordination and co-operation, for the constitution of a common front, in their struggle to liberate their country.⁵¹³

By another resolution on Namibia, the Council stated that it supported unreservedly all the concrete measures taken by the Acting UN High Commissioner and the Council for Namibia (Konstantinos Stavropoulos of Greece) for setting up, as soon as possible, an inter-national administration in the territory, so as to bring its mandate to a successful conclusion and hasten the accession of the people of Namibia to self-determination and independence; and reaffirmed the inalienable right of the people of that territory to freedom and independence by the OAU Charter, the

⁵¹⁰ "Resolution on Apartheid and Racial Discrimination," *CM/Res.102 (IX)*, Organisation of African Unity Secretariat, Addis Ababa, September 1967.

⁵¹¹ The Special Fund was established by the OAU at its First Summit to supply the necessary practical and financial aid to the various African national liberation movements.

⁵¹² "Resolution on Southern Rhodesia", *CM/Res.108 (IX)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, September 1967.

⁵¹³ *Ibid.*

UN Charter and other relevant resolutions, the 1960 Declaration on Independence in particular.⁵¹⁴

At the following session, in February 1968, the Council adopted another set of resolutions on Zimbabwe; Portuguese Administered Territories; South Africa; and Namibia, respectively. With the Zimbabwean resolution, the Council condemned: as a crime against humanity the atrocities perpetrated by the illegal racist minority regime in Rhodesia against the African people fighting for their freedom; the economic, financial and other interests which impeded the progress of the African people towards independence; and, unreservedly the Government of the UK for its continued failure in assuming effectively its moral and political responsibilities to the people of Zimbabwe and by allowing the ‘illegal racist minority regime’ of Ian Smith to consolidate its position in defiance of African and world opinion.⁵¹⁵

The Council, further strongly, reiterated the right of the people of Zimbabwe to freedom and independence; and again, appealed to the liberation movements of Zimbabwe to close their ranks and form a common front in their struggle against the common enemy for the speedy and effective liberation of their country.⁵¹⁶

With the resolution on Portuguese Administered Territories, the Council also condemned, as a crime against humanity the atrocities perpetrated by the Portuguese against the African people fighting for their freedom and independence; and the economic, financial, and other interests impeding the progress of the African people towards independence.⁵¹⁷

⁵¹⁴ “Resolution on South West Africa, *CM/Res. 110 (IX)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, September 1967.

⁵¹⁵ “Resolutions adopted by the Tenth Ordinary Session of the Council of Ministers held in Addis Ababa, Ethiopia, from 20 to 24 February 1968”, *CM/Res. 135 (X)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, February 1968.

⁵¹⁶ *Ibid.*

⁵¹⁷ “Resolution on Territories under Portuguese Domination”, *CM/Res. 137 (X)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, February 1968.

The Council, therefore, appealed to the International Monetary Fund (IMF) and International Bank for Reconstruction and Development (IBRD) not to grant aid to the Government of Portugal until that Government had recognised the right of the people under its domination to freedom and independence; and appealed, once more to all the independent African States to increase their material and moral support to the peoples of these territories in their struggle; the liberation movements to close their ranks in the struggle they were waging.⁵¹⁸

In addition, the Council requested the Committee of Five for Angola to meet immediately to bring MPLA and the GRAE⁵¹⁹ together in a united front. In that connection, the Governments of the Republic of the Congo (Kinshasa) and Republic of the Congo (Brazzaville) were called upon to use their influence to secure the release – before the said meeting – of detainees held on either of their territories to promote an atmosphere of reconciliation and eventual peace between the two movements.⁵²⁰

By the one on Namibia, the Council, once again, unreservedly, condemned the Pretoria regime for its illegal and unjust action in arresting the 37 nationals of Namibian, in violation of the UN resolution terminating its mandate over South-West Africa and for subjecting the said South-West African citizens to its inhuman and racist laws.⁵²¹ The 37 Namibian nationals included Andimba Herman Toivo ja Toivo, one of

⁵¹⁸ *Ibid.*

⁵¹⁹ These movements continued to provide a spectacle of persistent division in Angola, despite the untiring efforts of conciliation made by OAU. In, *Report of the Administrative Secretary-General of the OAU: Review of the Years 1963-1968*, Council of Ministers, Fifth Ordinary Session, Organisation of African Unity Archives, Addis Ababa, Ethiopia, 1968.

⁵²⁰ “Resolution on Territories under Portuguese Domination”, *CM/Res.137 (X)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, February 1968.

⁵²¹ “Resolution on South West Africans Tried and Sentenced in South Africa”, *CM/Res.138 (X)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, February 1968.

the founders of SWAPO who was sentenced to 20 years imprisonment on Robben Island, off Cape Town's coast.⁵²²

The Council, therefore, demanded the immediate release of all Namibian patriots imprisoned for having fought for the liberation of their country, and urged the UN Security Council to do its utmost to secure the release of these prisoners in accordance with UN GA Resolution 2248 (S-V) of 19 May 1967.⁵²³

By CM/Res.142 (X), the Council, further, strongly reaffirmed the inalienable right of the people of the International Territory of South West Africa to freedom and independence in conformity with the Charter of the OAU, the UN Charter and the relevant resolutions of the OAU of the UN, particularly the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples: and its total and unflinching support to the people of South West Africa in their legitimate struggle.⁵²⁴

With respect to racism and racial discrimination in particular, the Council among other things: expressed its high esteem for all the sons and daughters of Southern Africa who were struggling tirelessly and bravely against apartheid and calls urgently upon all States to give them moral and material support in their struggle; and appealed to all States to observe the twenty-first of March, the anniversary of the Sharpeville Massacre (1960), as an international day for the abolition of racism.⁵²⁵

At its Eleventh Ordinary Session, held in Algiers, Algeria from 4 to 12 September 1968, the Council, adopted several resolutions on Namibia, Zimbabwe,

⁵²² "The Namibian struggle for independence – 1966 – 1990 – a historical background", Available at: <https://www.sahistory.org.za>

⁵²³ *Ibid.*

⁵²⁴ "Resolution on South West Africa", *CM/Res. 142 (X)*, Organisation of African Unity Secretariat, Addis Ababa, February 1968.

⁵²⁵ *Ibid.*

and Portuguese oppression in Africa, respectively. With the one Namibia, the Council again, reaffirmed the right of the Namibian people to freedom and independence in conformity with the Charter of the OAU, and the UN; pledged again its total and unconditional support to the people of Namibia in their legitimate struggle; and appealed to the international community to render all moral and material assistance directly or through the OAU or the UN to those who were struggling against oppression in Namibia.⁵²⁶

By the one Portuguese Administered Territories, the Council reaffirmed the legitimacy of the struggle waged by the peoples fighting against Portugal's colonial repression; condemned its persistent refusal to acknowledge the right to self-determination and independence of the peoples in the territories under its domination, in defiance of the UN resolutions; appealed to the Member States of the OAU to grant additional material assistance to the liberation movement to rebuild the economy and population; and, to all States to extend both moral and material assistance to those engaged in the legitimate struggle against Portuguese oppression in Africa.⁵²⁷

To that, end the Council, congratulated the African nationalists on their progress in the legitimate struggle for the liberation of their countries; and called them to keep healthy and constructive relations with all Member States of the Organisation in the broader interest of the struggle which they were waging.⁵²⁸

⁵²⁶ "Resolution on Namibia," *CM/Res. 150 (XI)*, Organization of African Unity Secretariat, Addis Ababa, September 1968.

⁵²⁷ *Ibid.*

⁵²⁸ *Ibid.*

With the resolution of Zimbabwe, the Council also strongly reaffirmed the right of the people of Zimbabwe to freedom and independence based on majority, and the legitimacy of their struggle for national liberation.⁵²⁹

The Council, further requested Member States of the OAU to provide more financial and material assistance for the intensification of the struggle inside Zimbabwe; and appealed to all States to render all moral and material assistance to the people of Zimbabwe in their legitimate struggle against colonial oppression.⁵³⁰

The Council also congratulated the freedom movements in Rhodesia for their efforts to counter the illegal regime and in particular ZAPU and ANC in creating a united front; and reaffirmed the resolution on decolonisation adopted by the International Conference of Human Rights, held at Teheran, Iran in 1968, and further reaffirms that since a state of war exists in Zimbabwe, that freedom fighters of Zimbabwe when captured be treated as prisoners of war under the International Red Cross Convention of 1949.⁵³¹

The Council, therefore, appealed once again to the liberation movement of Zimbabwe to close their ranks and form a united front and to this end requests the Governments of Tanzania, Zambia and Kenya to use their good offices with these movements; and instructed the African Group at the UN to work in order that the SC Committee on the Question of Rhodesia could be reactivated to contribute effectively to the liberation of Zimbabwe.⁵³²

⁵²⁹ "Resolution on Rhodesia," *CM/Res. 153 (XI)*, Organisation of African Unity Secretariat, Addis Ababa, September 1968.

⁵³⁰ *Ibid.*

⁵³¹ *Ibid.*

⁵³² "Resolution on Rhodesia," *CM/Res. 153 (XI)*, Organisation of African Unity Secretariat, Addis Ababa, September 1968.

During its ordinary session, in February 1969, the Council, adopted a Declaration on Decolonisation and Apartheid. This adoption was based on the full information on the developments in territories under colonial and racial domination which had, accordingly deteriorated.⁵³³

By the Declaration, on Zimbabwe, in particular, the Council, took formal note of the efforts exerted by the African Heads of State and Government at the Commonwealth Ministers' Conference⁵³⁴ and deplored the negative attitude of the UK Government; and condemned and rejected the proposals of the UK Government, known as the "FEARLESS" proposals, which ran counter to the fundamental rights of the African population, strengthened the position of the white minority and encouraged the establishment of apartheid in Zimbabwe.⁵³⁵

The Council, further, reaffirmed that the future of Zimbabwe could not be negotiated with an illegal regime which had seized power in Zimbabwe; and, that the armed struggle was the only means of settling the Zimbabwean problem and denounced the manoeuvres of certain African opposition leaders⁵³⁶ who were trying to convince others that it was still possible to negotiate with the rebel regime of Ian Smith.⁵³⁷

⁵³³ "Declaration by the Council of Ministers on Decolonization and Apartheid," *CM/St.2 (XII)*, Organization of African Unity Secretariat, Addis Ababa, February 1968.

⁵³⁴ This Conference took place from 7th to 15th January 1969. Its purpose was to review the Commonwealth's own domestic arrangements, including the Secretary-General's Report on the Secretariat affairs, and the work of the Commonwealth Foundation. *In*, "Commonwealth Prime Ministers' Meeting", *Hansard*, Volume 776, January 1969, p.249.

⁵³⁵ "Declaration by the Council of Ministers on Decolonization and Apartheid," *CM/St.2 (XII)*, Organization of African Unity Secretariat, Addis Ababa, February 1968.

⁵³⁶ One such African opposition leader was Bishop Abel Tendekai Muzorewa. See K Mazisi, "Rise Up & Walk: The Autobiography of Bishop Abel Tendekai Muzorewa", *National Black Law Journal*, 1981, p.382.

⁵³⁷ *Ibid*.

It, therefore, appealed to the Member States to study the appropriate effective ways and means of rendering the armed struggle more effective, and to take appropriate steps to that end; and continued, it had been 'informed of the air transport agreement concluded between the Pretoria regime and the Government of the UK to ensure the release of that valiant freedom fighter and to ensure that Africans did not fall victims of those manoeuvres by the illegal Ian Smith regime'.⁵³⁸

Concerning Mozambique, the Council vehemently deplored the brutal assassination of Eduardo Mondlane⁵³⁹ and appealed to the African populations in Mozambique to intensify their struggle to liberate their country, and to demonstrate that the sacrifice made by Mondlane had not been in vain.⁵⁴⁰

Once again, the Council, stated, that it had taken note with regret the rift that existed between all liberation movements; and reiterated its appeal to the liberation movements, and in particular to FNL and MPLA, to form a common front, which alone could guarantee final victory in their struggle. The Council also said that it had noted with satisfaction, 'the distinctly positive results attained by the PAIGC in Guinea-Bissau and encouraged it to redouble efforts for the total liberation of the territory'.⁵⁴¹

To that end, the Council condemned the growing military collaboration between the regimes of Pretoria, Lisbon, and Salisbury; and recommended that the Member States should consider their approach to the general problem of the liberation struggle in the territories that were still dependent.⁵⁴²

⁵³⁸ *Ibid.*

⁵³⁹ Eduardo Mondlane, FRELIMO's first President was killed, allegedly, by a parcel bomb in Dar es Salaam, Tanzania, on 3 February 1969. In, G Roberts, "The assassination of Eduardo Mondlane: FRELIMO, Tanzania, and the politics of exile in Dar es Salaam", *Cold War History*, 17:1, 2017, p.1.

⁵⁴⁰ "Declaration by the Council of Ministers on Decolonisation and Apartheid", *CM/St.2 (XII)*, Organisation of African Unity Secretariat, Addis Ababa, February 1969.

⁵⁴¹ *Ibid.*

⁵⁴² *Ibid.*

At its Thirteenth Ordinary Session, in September 1969, the Council adopted a Resolution on Decolonisation and Apartheid. This adoption was based on the realisation of the difficulties and obstacles to be overcome in the successful conclusion of liberating Africa from foreign powers and racist and illegal regimes in Southern Africa.⁵⁴³ With Resolution CM/Res. 206 (XIII), the Council, reaffirmed the legitimacy of the struggle launched in Zimbabwe, Mozambique, Angola, Guinea (Bissau), Namibia, South Africa, Djibouti, Western Sahara and the Comoro Islands.⁵⁴⁴

On the basis of the foregoing, the Council decided to submit, the following recommendations to the Sixth Ordinary Session of the Assembly of Heads of State and Government: that all the liberation movements be required to form a common fighting front in order to achieve an early and speedy victory over the forces of oppression and exploitation; that no assistance be extended to liberation movements not recognised by OAU; that more substantial aid be extended to the liberation movements materially, financially and diplomatically; and that a new and well-conceived diplomatic and political offensive be launched by OAU Member States at all levels within international organisations to achieve the ultimate aim of the liberation of Africa.⁵⁴⁵

Concerned with the persistence of the racist regimes in South Africa, Namibia, Zimbabwe, and the Territories under Portuguese' intensive repression of African peoples and in thwarting their legitimate armed struggle, the Council took a step further, in March 1970, by adopting several other resolutions.⁵⁴⁶

⁵⁴³ "Resolution on Decolonisation and Apartheid," CM/Res. 206 (XIII), Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, September 1969.

⁵⁴⁴ *Ibid.*

⁵⁴⁵ *Ibid.*

⁵⁴⁶ "Resolutions and Declarations adopted by the Fourteenth Ordinary Session of the Council of Ministers, held in Addis Ababa, Ethiopia, from 27 February to 6 March 1970", CM/Res.207 (XIV) - CM/Res.218 (XIV) & CM/St.3 (XIV), Organisation of African Unity Secretariat, Addis Ababa, March 1970.

Under the resolution on Zimbabwe, the Council, reaffirmed conviction that the use of force was the only way to restore the dignity of the people of Zimbabwe and decided to give immediately substantial additional assistance to the freedom fighters of Zimbabwe to help them intensify the armed struggle.⁵⁴⁷

The Council, also urgently, appealed to the Member States of the OAU to take financial, material, military and other appropriate measures to meet the new situation; and paid tribute to those patriots of Zimbabwe engaged in armed struggle against the Salisbury illegal racist regime and called upon all the people of Zimbabwe to intensify the struggle for the liberation of their territory.⁵⁴⁸

The Council, once again, reaffirmed: that any form of military and other cooperation with those minority regimes constituted a hostile act against all African States and their peoples; and its full support for the liberation movements in Zimbabwe, Mozambique, Angola, Guinea Bissau, Namibia, South Africa, Djibouti, and the Comoro Islands against colonial rule.⁵⁴⁹

It, further appealed urgently to all Member States to increase their assistance to the liberation movements through the OAU; and to all States and Organisations supporting the liberation of the African continent to make contributions through the OAU for assistance to the people struggling against racism and colonialism and instructs the General Secretariat to make the necessary arrangements to receive such contributions.⁵⁵⁰

⁵⁴⁷ "Resolution on Zimbabwe", *CM/Res. 207 (XIV)*, Organisation of African Unity Secretariat, Addis Ababa, March 1970.

⁵⁴⁸ *Ibid.*

⁵⁴⁹ "Resolution on decolonisation and Apartheid", *CM/Res. 209 (XIV)*, Organisation of African Unity Secretariat, Addis Ababa, March 1970.

⁵⁵⁰ *Ibid.*

To that end, the Council commended the anti-apartheid movements and organisations of students, youth and others all over the world which had actively supported the struggle of the African peoples for liberation; and, further, appealed to all organisations and peoples in Africa to celebrate African Liberation Day on May 25, 1970, as widely as possible in full solidarity with the African peoples struggling against apartheid, colonialism and racial discrimination in the African continent and make racial discrimination in the African continent and make generous contributions for their legitimate struggle.⁵⁵¹

The Council, followed up with another resolution, at its next session, in August 1970. Among other things, it congratulated the liberation movements in the territories under foreign domination for the success achieved in their valiant struggle for liberation and reaffirming its full support.⁵⁵²

At its 17th Ordinary Session, in June 1971 the Council, adopted two resolutions. The first was on Decolonisation, and the other was on Apartheid and Racial Discrimination. With the resolution on decolonisation, the Council congratulated those liberation movements in the territories under foreign domination, particularly PAIGC, MPLA, FRELIMO and FNLA for their further successes. It, therefore, urged those movements to intensify their struggle and appealed to the Member States of the OAU to increase their assistance to those movements.⁵⁵³

The Council, also, appealed to friendly governments, organisations and individuals to contribute generously to the African liberation movements through the

⁵⁵¹ *Ibid.*

⁵⁵² "Resolutions and Declarations of the Fifteenth Ordinary Session of the Council of Ministers held in Addis Ababa, Ethiopia from 24 to 31 August 1970", *CM/Res.234 (XV)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, August 1970.

⁵⁵³ "Resolution on Decolonization," *CM/Res.241/Rev.1 (XVII)*, Organization of African Unity Secretariat, Addis Ababa, June 1971.

OAU, especially to enable them to carry on the urgent task of reconstruction in the liberated areas of Mozambique, Angola and Guinea Bissau; and expressed its appreciation to those governments, movements and organisations all over the world which supported the legitimate struggles of the African peoples against foreign domination, provide moral, political and material assistance to the liberation movements recognised by the OAU.⁵⁵⁴

It, therefore, commended the African Group at the UN for its efforts to promote more effective international action for decolonisation, and requested it to intensify these efforts, especially towards acceptance of liberation movements as authentic representatives of territories under colonial domination; and requested the General Secretariat to intensify publicity in favour of the liberation movements and against the governments and economic and financial interests collaborating with the colonial regimes in Africa, to secure support for the cause of the total emancipation of the continent.⁵⁵⁵

With the resolution on apartheid and racial discrimination, the Council, among other things, reaffirmed its full and unconditional support to the oppressed people of South Africa in their legitimate struggle to eliminate apartheid and achieve majority rule; commended the activities of all anti-apartheid movements and all Church, Trade Union, Students and other groups which supported the legitimate struggle of the oppressed people of Southern Africa and boycott South African racists.⁵⁵⁶

The Council also expressed its appreciation of the UN, anti-apartheid movements and other groups for their activities in supporting and the legitimisation of the liberation movements and called for continued efforts in that respect; and, appealed to all friendly Governments, organisations and individuals to extend

⁵⁵⁴ *Ibid.*

⁵⁵⁵ *Ibid.*

⁵⁵⁶ "Resolution on Apartheid and Racial Discrimination," *CM/Res.242/Rev.1 (XVII)*, Organization of African Unity Secretariat, Addis Ababa, June 1971.

increased moral, political, humanitarian and material support to the struggle of the people of South Africa, Namibia and Zimbabwe in cooperation with the OAU.⁵⁵⁷

To that end, it called for world-wide campaigns, to among other things: apply to freedom fighters the relevant articles of the Geneva Convention of 1949 on the treatment of prisoners of war and to ensure the participation of liberation movements in the drafting and application of international humanitarian law applicable to the so-called internal conflicts.⁵⁵⁸

At its Nineteenth Ordinary Session, the Council, adopted resolutions further resolutions on Zimbabwe, Portuguese colonies, Namibia, and on Apartheid and Racial Discrimination, respectively. These resolutions were approved by the OAU Assembly of Heads of State and Governments, at its Ninth Session, in 1972.⁵⁵⁹

Under the resolution on Zimbabwe, the Council, among other things, pledged to increase its assistance to the people of Zimbabwe in their armed struggle for self-determination and independence; reaffirmed support for the principle that there should be no independence before majority rule in the territory.⁵⁶⁰

The Council, therefore, appealed to the Government of the UK not to transfer or accord, under any circumstances, to the illegal regime any of the powers or attributes of sovereignty; and urged it to promote the country's attainment to

⁵⁵⁷ *Ibid.*

⁵⁵⁸ *Ibid.*

⁵⁵⁹ *In*, Letter dated 19 July from the Executive Secretary of the Organisation of African Unity to the United Nations to the President of the Security Council transmitting the texts of the resolutions adopted by the Assembly of Heads of State and Government of the OAU at its ninth Session, Document: S/10741, United Nations Digital Library, Available: <https://digitallibrary.un.org>

⁵⁶⁰ "Zimbabwe," *CM/Res.267 (XIX)*, Organisation of African Unity Secretariat, Addis Ababa, June 1972.

independence by a democratic system of government in accordance with majority of the population.⁵⁶¹

Furthermore, the Council, urged the UK as an administering authority, to convene as soon as possible a national constitutional conference in which the genuine political representatives of the people of Zimbabwe would be able to work out a settlement relating to the future of the territory for subsequent endorsement by the people under free and democratic processes; and, appealed to the UK Government to create the conditions necessary to permit the free expression of the right to self-determination: including, among other things, the release of all political prisoners, detainees and restricted.⁵⁶²

To that end, it expressed among other things, full agreement with the proposal submitted by the delegations of Guinea, Somalia and Sudan, in their capacity as members of the UN SC, namely: that SC should reaffirm the inalienable rights of the people of Zimbabwe to freedom and independence in accordance with the Declaration on Independence, and the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the UN.⁵⁶³

By the one on Portuguese Administered Territories, the Council, among other things: solemnly reaffirmed the inalienable rights of the people of Angola, Mozambique and Guinea-Bissau to self-determination and independence; expressed its full support to the legitimate armed struggle of the people of those territories against colonist domination and oppression by Portugal for their freedom and independence; and also reaffirmed its commitment to pursue the struggle with a view to total concerted effort

⁵⁶¹ *Ibid.*

⁵⁶² *Ibid.*

⁵⁶³ *Ibid.*

and practical actions on the ground from various viewpoints and at all levels to liberate the territory.⁵⁶⁴

The Council, therefore, appealed on the international community to recognise the liberation movements of the Portuguese colonies as the legitimate representatives of their peoples and countries and to discuss problems relating to those peoples and countries only with the liberation movements.⁵⁶⁵

The Council, also encouraged all the national liberation movements of Angola, Mozambique, and Guinea-Bissau to intensify the struggle against Portuguese colonialism and for national independence; decided to increase assistance to the liberation movements in those territories in conformity with the recommendation of the Liberation Committee.⁵⁶⁶

The Council, further, invited the governments of OAU Member States to strengthen and increase their moral and material support for the liberation struggle being waged by the valiant freedom fighters of Angola, Mozambique, and Guinea-Bissau against Portuguese domination.⁵⁶⁷

With the one on Namibia it: reaffirmed the inalienable right of the people of Namibia to freedom and independence in one entity, in conformity with the 1960 UN

⁵⁶⁴ *Ibid.*

⁵⁶⁵ "Resolution on the Portuguese Colonies," *CM/Res.268 (XIX)*, Organization of African Unity Secretariat, Addis Ababa, Ethiopia, June 1972.

⁵⁶⁶ In "Resolutions and Statement of the Nineteenth Ordinary Session of the Council of Ministers, held in Rabat, Morocco from 5 to June 1972", *CM/Res.266(XIX)*, *CM/Res.289 (XIX)* & *CM/St.7 (XIX)*, Organisation of African Unity Secretariat, Addis Ababa, Ethiopia, June 1972.

⁵⁶⁷ "Resolution on the Portuguese Colonies," *CM/Res.268 (XIX)*, Organization of African Unity Secretariat, Addis Ababa, Ethiopia, June 1972.

Declaration on Independence; and reiterated its solidarity and full support to the people of Namibia in their just struggle to regain their freedom and independence.⁵⁶⁸

The Council, reaffirmed, further, that the administration of the territory of Namibia was the direct responsibility of the UN and that that responsibility included the obligation to support, promote and protect the rights of its inhabitants as well as national unity and territorial integrity of the state.⁵⁶⁹

By another text on Namibia, the Council, among other matters, appealed to the world community to render all moral, moral, material and financial assistance to the people of Namibia in their liberation struggle; and decided in accordance with the recommendation of the Liberation Committee to increase material support to SWAPO, so as to enable it to wage the armed struggle effectively in Namibia.⁵⁷⁰

The Council also referred to in the text on Namibia, the question of the situation in South Africa. It for instance, in the first place, paid tribute to the struggle of African people to regain their freedom and national independence. Secondly, it condemned the establishment of Bantustans and the forcible removal of the African people to those areas as a violation of their inalienable rights, contrary to the principle of self-determination and prejudicial to the territorial integrity of the countries and the unity of their peoples. Third, the Council reaffirmed the inalienable right of the African people of South Africa to self-determination and national independence within the framework of territorial integrity and national unity.⁵⁷¹

⁵⁶⁸ "Resolution on Namibia," *CM/Res.269 (XIX)*, Organization of African Unity Secretariat, Addis Ababa, Ethiopia, June 1972.

⁵⁶⁹ *Ibid.*

⁵⁷⁰ "Resolution on Apartheid and Racial Discrimination," *CM/Res.270 (XIX)*, Organization of African Unity Secretariat, Addis Ababa, Ethiopia, June 1972.

⁵⁷¹ *Ibid.*

The Council, further, reiterated its full and conditional support for the oppressed people of South Africa in their armed struggle to put an end to the policy of apartheid and realise their profound and legitimate aspirations; invited Member States to increase substantially moral and material aid to liberation movements in South Africa so as to hasten the elimination of the colonial and racist system in the country.⁵⁷²

Aside from support for the oppressed people, it rejected the South African authorities' attempt to break African solidarity and isolate the liberation movements through 'outward and dialogue' policies⁵⁷³; and commended the activities of the anti-apartheid movements, trade unions, students' organisations, religious and other groupings which supported the legitimate struggle of the oppressed peoples of Africa and invited them to intensify their efforts in that respect.⁵⁷⁴

In May 1973, the Council adopted three resolutions on Zimbabwe, South Africa and Namibia and a Declaration on the territories under Portuguese domination. It reaffirmed its total and unconditional support for and solidarity with the people of Zimbabwe in their struggle for national independence based on majority rule; and noted with satisfaction the Lusaka Agreement between ZANU and ZAPU on the Strategy for the Liberation of Zimbabwe.⁵⁷⁵

By the same text, the Council, also appealed to African states to further increase their material, financial and moral support to the national liberation movements of Zimbabwe either directly or through the OAU, and pledged support for

⁵⁷² *Ibid.*

⁵⁷³ For instance, South Africa called for talks or dialogue with Africa, but it was to be a dialogue on her own terms. It also proposed closer ties with the neighbouring Black States such Botswana, Lesotho, Swaziland, Mozambique and Zimbabwe with the purpose of forming a solid anti-Communist bloc in Southern Africa which would be in the interest of the Republic—isolation of the national liberation movements. See "South Africa's Outward Policy", Marxist Internet Archive, Available at: <https://www.marxists.org>

⁵⁷⁴ "Resolution on Apartheid and Racial Discrimination," *CM/Res.270 (XIX)*, Organization of African Unity Secretariat, Addis Ababa, Ethiopia, June 1972.

⁵⁷⁵ "Resolution on Zimbabwe," *CM/Res.298 (XXI)*, Organization of African Unity Secretariat, Addis Ababa, May 1973.

and solidarity with all the front-line states, in particular Zambia. Accordingly, Zambians were subjected to constant economic and military provocations from the minority racist regimes of Southern Africa.⁵⁷⁶

Regarding South Africa, it reaffirmed its total and unconditional solidarity with its people in their legitimate struggle for national liberation; and pledged to increase its financial and material assistance to the struggle; and appealed to the liberation forces of South Africa to close ranks and form a united action against their common enemy.⁵⁷⁷

It, therefore, further expressed support to the initiative of the UN to organise in Geneva from 15- 17 June 1973, an International Conference of the Trade Unions against apartheid and appealed to all States and non-governmental organisations, including the All-African Trade Union Unity to support and attend that Conference.⁵⁷⁸

Finally, the Council commended the actions of the governments and organisations, including youth and sports organisations, which had refused to participate in sports activities with apartheid South Africa and requested them to further intensify their action in this respect.⁵⁷⁹

On the Namibian question, the Council, once again, reaffirmed its full support for its in their legitimate struggle for national independence and noted with satisfaction the positive development of the armed struggle waged by the Namibian people under the leadership of SWAPO. It, therefore, appealed to the international community to increase its political, moral, financial, and other forms of support to the people of

⁵⁷⁶ *Ibid.*

⁵⁷⁷ "Resolution on South Africa," *CM/Res.299 (XXI)*, Organization of African Unity Secretariat, Addis Ababa, May 1973.

⁵⁷⁸ *Ibid.*

⁵⁷⁹ *Ibid.*

Namibia under the leadership of Namibia to enable them to conduct an effective armed struggle to expedite the attainment of independence of Namibia⁵⁸⁰

With the declaration on the territories under Portuguese, the African States, among other things, decided to reinforce their moral and material support to the struggle for national liberation movements, either through the OAU or by stimulating bilateral aid, so that the liberation movements in the Portuguese colonies would be better able to deal with the gigantic tasks of armed struggle and national reconstruction.⁵⁸¹

Also, considering the tasks to be accomplished by the national liberation movement of the territories under Portuguese domination, the Assembly (African States) decided, moreover, to intensify the publicity given to the armed struggle and its success vis-à-vis African public opinion to ensure total solidarity with the struggle peoples.⁵⁸²

At its Twenty-Third Ordinary Session, the Council, adopted more resolutions on South Africa and Namibia. With the resolution on South Africa and Namibia, the Council, reaffirmed its full unconditional support for the peoples of South Africa and Namibia in their legitimate struggle for national liberation; undertook to increase its financial and material assistance to the liberation movements of South Africa and Namibia in view of the imperative needs of the struggle; and, reiterated that the South African and Namibian liberation movements recognised by OAU were the authentic and legitimate representatives of the people of those territories.⁵⁸³

⁵⁸⁰ "Resolution on Namibia," *C/Res.300 (XXI)*, Organization of African Unity Secretariat, Addis Ababa, May 1973.

⁵⁸¹ "Declaration on Territories under Portuguese Domination," *C/Res.300 (XXI)*, Organisation of African Unity Secretariat, Addis Ababa, May 1973.

⁵⁸² *Ibid.*

⁵⁸³ "Resolution on South Africa and Namibia," *CM/Res.342 (XXIII)*, Organization of African Unity Secretariat, Addis Ababa, June 1974.

As for Zimbabwe, the Council appealed to the country's patriots to take advantage of the situation in the territory and Southern Africa in general by increasing and intensifying action against the racist regime of Salisbury and to that end pledged increased assistance of every kind to the fighting forces of Zimbabwe in order to enable them to increase and intensify their operations.⁵⁸⁴

The Council, also appealed to the British Government to stop clandestine talks with Zimbabwe and urged all Zimbabweans to stand firm in a united demand for nothing less than majority rule and true self-government; once again appealed to it as an administering power to bring about the necessary conditions to enable the Zimbabwean people to exercise freely their right to self-determination and independence.⁵⁸⁵

Once again, it appealed to the British Government to take appropriate measures for the unconditional release of all political prisoners, detainees and restricted, the repeal of all repressive and racist legislation, the expulsion of all South African forces from the territory and the convening of a constitutional conference in which the authentic representatives of the peoples would participate fully.⁵⁸⁶

In addition, the Council, requested the Administrative Secretary-General to organise a Seminar, in which the national liberation as well as African and other experts would participate, to consider the question of decolonisation, with particular emphasis on the key role played by South Africa in thwarting the liberation struggle in the country, and to report on the results of that Seminar to the 25th Session of the Council of Ministers.⁵⁸⁷ It, therefore, expressed its appreciation to all the peace and freedom-loving countries which had tirelessly lent their support to the struggle for

⁵⁸⁴ *Ibid.*

⁵⁸⁵ *Ibid.*

⁵⁸⁶ *Ibid.*

⁵⁸⁷ *Ibid.*

decolonisation and appealed to them to increase their assistance in all fields to the peoples striving to liberate themselves from colonialism.⁵⁸⁸

In another action taken at the Twenty-Third Ordinary Session, the Council adopted a general resolution on Decolonisation, the Council reaffirmed once again, its total and unconditional support for the peoples under Portuguese, French, British and Spanish colonial domination in their legitimate struggle for national liberation; appealed to Portugal to proclaim unequivocally her recognition of the inalienable right of the people of Mozambique to independence; and, welcomed the talks between Portuguese authorities and the representatives of the Republic of Guinea-Bissau on the one hand, and the representatives of FRELIMO and Portugal on the other and encouraged the respective parties to continue the talks with the view to an early ending of the conflict.⁵⁸⁹

The Council, therefore, urged the national liberation movements to redouble their efforts and intensify their struggle in Angola and Mozambique until independence was achieved; and, called upon expressly the national liberation of those territories in particular, to take united action against their common enemies.⁵⁹⁰

During the same session, the Council, further, adopted a Declaration. This Declaration would be endorsed by the Assembly of Heads of State and Government at its eleventh session, held at Mogadishu, Somalia, Democratic Republic, in June 1974.⁵⁹¹ Under the Declaration, the Council, among other things, declared that Africa gave its full support to the national liberation movements and their determination to fight until independence and total freedom of their peoples and countries of which they were the sole and authentic representatives; and, that Africa recalled that its stand

⁵⁸⁸ *Ibid.*

⁵⁸⁹ "Resolution on Decolonization" *CM/Res.350 (XXIII)*, Organisation of African Unity Secretariat, Addis Ababa, June 1974.

⁵⁹⁰ *Ibid.*

⁵⁹¹ *Ibid.*

was shared by the majority of the international community.⁵⁹² According to the Council, indeed, by its Resolution of 22 November 1972, it had called upon Portugal to immediately cease its military operations and acts of repression in African territories and enter into negotiations with the liberation movements on the basis of independence.⁵⁹³

The Council, further noted with satisfaction that negotiations had already been held between the Republic of Guinea-Bissau led by the PAIGC and Portugal, as well as between FRELIMO and Portugal, and declared that the African position on the talks with Portugal was unqualifiedly supported by FRELIMO and the Republic of Guinea led by the PAIGC.⁵⁹⁴ It, therefore, declared that in order to respect people's inalienable right to freedom and independence, Portugal should hold negotiations with the liberation movements recognised by the OAU. This was with a view to transferring power to these movements as the legitimate representatives of their peoples and countries.⁵⁹⁵

To that end, the Council, stated that Africa wishes to transfer to all other peace and freedom-supporting countries which have always extended their support to the cause of national liberation in Africa and have thus contributed to the search for a solution to the colonial problem.⁵⁹⁶ Accordingly, while appreciating the efforts they were exerting in that connection, Africa appealed to them (freedom-loving countries) to bring stronger pressure to bear on Portugal with a view to compelling it to recognise the inalienable right of the people of African territories under its domination to freedom and independence.⁵⁹⁷

⁵⁹² "Declaration", CM/ST.13 (XXVII), Organisation of African Unity Secretariat, Addis Ababa, June 1974.

⁵⁹³ *Ibid.*

⁵⁹⁴ *Ibid.*

⁵⁹⁵ *Ibid.*

⁵⁹⁶ *Ibid.*

⁵⁹⁷ *Ibid.*

4.3 Conclusion

This chapter concerned the role of the OAU on the representation of national liberation movements at the UN. From analysis of the chapter as a whole, one finds that the Organisation decided from the inception, to assist and support the national liberation movements in Southern Africa. Critical to this aid and support, as observed, is OAU's diplomatic action on behalf of those movements. As discussed, the nucleus of this action was recognition of the national liberation movements as authentic representatives of the aspirations of the people in colonial territories. It was noted that the Executive Council (Council of Ministers and the Assembly of Heads of State and Government)'s decisions, especially those that were adopted during the period between 1963 and 1974, revealed the extent OAU support and assistance to the movements. The chapter concludes that, analysed at the diplomatic level, OAU Executive Council's decisions contributed to the national liberation movements' representation at the UN. The next chapter is about the effects for representation of national liberation movements at the UN.

CHAPTER 5: THE EFFECTS FOR REPRESENTATION OF NATIONAL LIBERATION MOVEMENTS AT THE UN

5.1 Introduction

This chapter concerns the effects of representation of national liberation movements at the UN. It is divided into three sections. Section one introduces the subject. The next section discusses the effects for representation of national liberation at the UN. It explores, as case examples, the First Session of the UN IHL (1974); the UN Conference on the Representation of State Relations with International Organisations (1975); and the World Conference on International Women's Year (1975), to describe those effects. The last section is a conclusion.

When the UN was formed in 1945, peoples of non-self-governing or non-dependent territories were regarded as 'minors' within the jurisdiction of the administering power and not entitled to a separate representation. In some international organisations, non-independent territories were permitted separate representation.⁵⁹⁸ Article 73 of Chapter XI of the UN Charter obliged the administering powers to recognise the interests and well-being of the peoples whose territories had not yet attained a full measure of self-government.⁵⁹⁹

The next stage involved the characterisation of what could generally be regarded as 'prototype' liberation movements as petitioners within the UN framework. The petition approach did not satisfy the UN membership, because of the Trusteeship

⁵⁹⁸ M Shaw, "The international status of national liberation movements", *Liverpool Law Rev* 5, 1983, p.24.

⁵⁹⁹ "Statute of the International Court of Justice," San Francisco, 1945, Available at: <https://popp.undp.org>.

Council⁶⁰⁰'s failure to process the petitions.⁶⁰¹ The petition scheme was originally part of the trusteeship system but was in fact extended beyond this to relate to colonial territories in general. The hearing of such petitions was discretionary and the petitioners themselves participated as private individuals and not as representatives of organisations. For example, in 1946, the ANC President, A.B. Xuma, through the Indian delegation, lobbied privately at the UN GA⁶⁰² on the question of race relations in South Africa. The examination of these petitions was done by an ad hoc committee, established by the Trusteeship Council in March 1950.⁶⁰³

The third phase in the efforts to secure the participation of the liberation movements in the UN took place between 1972 and ended in 1973 when the GA's Fourth Committee and the Special Committee on Independence invited representatives of the national liberation movements to participate as observers in debates relating to their territories.⁶⁰⁴ During this phase, the UN affirmed for the first time that the national liberation movements were the "authentic representatives" of the aspirations of the people in their territories. The world body also urged all Member States and specialised agencies within the UN system to engage the national liberation movements, in consultation with the OAU when dealing with territorial matters.⁶⁰⁵ The purpose of consulting OAU when dealing with the national liberation movements was to screen and exclude secessionist movements from participating in

⁶⁰⁰ As one of the principal organs of the UN, the Trusteeship Council was set up to promote the welfare of native inhabitants in territories that were not self-governing. See, AR Sumataraja, "The United Nations Trusteeship Council and The Trusteeship System: Justifications for Revival and Legal Obstacles", *Padjadjaran Journal of International Law*, Volume 5, Number 2, June 2021, p.172.

⁶⁰¹ M Terretta, "We were Fooled into Thinking that the UN Watches over the Entire World: Human Rights, UN Trust Territories, and Africa's Decolonization," *Human Rights Quarterly*, Volume 34, No.2, 2012, p.1.

⁶⁰² M Shaw, "The International Status of National Liberation Movements", *Liverpool Law Review*, 1983, p.22.

⁶⁰³ G Vahed, "Nehru is just another coolie': India and South Africa at the United Nations, 1946-1955", Available at: <https://d1wqtxts1xzle7.cloudfront.net>

⁶⁰⁴ See Chapter 2 of this study. "Nehru is just another coolie': India and South Africa at the United Nations, 1946-1955",

⁶⁰⁵ H Trevona, "Self-determination, national liberation movements and the use of force," *Durham E-Thesis*, Master of Jurisprudence, Department of Law, Durham University, United Kingdom, 2007, p.29.

the UN—thereby making only those recognised by the OAU benefit from the world body.⁶⁰⁶

The liberation movements' participation in observer status, was then followed in 1974 by "regular participation" at the UN when the GA decided to invite personnel from the liberation movements to participate in conferences, seminars and other meetings held the UN auspices.⁶⁰⁷ The Western nations opposed the movements' participation in the international conferences. For instance, the United States of America (USA) and several countries from western Europe, argued that their participation would hinder efforts towards advancing human rights in an armed conflict.⁶⁰⁸ The argument advanced was that since none of the organisations gained international recognition as the legitimate representatives of an established state, they did not have a basis for participating in the conferences called for the expressed purpose of formulating new concepts of international law.⁶⁰⁹ Later, the internal rules of the conferences were amended to permit the liberation movements to participate—thereby establishing a precedent and a major change concerning the representation of national liberation movements in the UN.

Arguably, the representation of national liberation movements in the UN affected international politics, law, and relations. The liberation movements began to operate within an international legal system or an authority—a portrayal of enforcement of human rights norms⁶¹⁰ by the world body in accordance with its Charter

⁶⁰⁶ M Shaw, "The International Status of National Liberation Movements", *Liverpool Law Review*, 1983, p.23.

⁶⁰⁷ In "Decolonisation", *A Publication of the United Nations Department of Political Affairs: Trusteeship and Decolonisation*, Volume II, No.6, New York, 1975, p.30.

⁶⁰⁸ M Shaw, "The International Status of National Liberation Movements", *Liverpool Law Review*, 1983, p.23.

⁶⁰⁹ ED Graham, "The Diplomatic Conference on the Law of War: A Victory for Political Causes and A Return To the 'Just War' Concept of the Eleventh Century", *Washington and Lee Law Review*, Volume 32, Issue 1, 1975, pp.31-32.

⁶¹⁰ A D'Amato, 'The Concept of Human Rights in International Law', *Columbia Law Review*, Volume 82, No.6, Columbia Law Review Association, 1982, p.1112.

from which the Commission on Human Rights was created.⁶¹¹ In this situation, the movements and the states alike, united, cooperated in signing treaty relations as a limit of each one's powers—an action which greatly affected them politically⁶¹².

To have a deeper understanding of the effects of representation of national liberation movements in the UN, there is a need to examine world body-organised conferences. There is an imperative to examine those that were organised during the period between 1974 and 1975. An analysis of these conferences is important because they consolidated the challenge to state sovereignty, while setting precedents for the international recognition and support for national liberation movements.⁶¹³ Their analysis is also critical because they revealed several political developments in the recent years, which have thrown into sharp focus the relevance of the rule of self-determination.⁶¹⁴ It is, further critical because they revealed the preferred and protracted role of the national liberation movements and the legal character of a state.⁶¹⁵ In addition, an analysis of the conferences is critical because they revealed changes in legislating humanitarian law and evaluation of a diplomatic strategy in the light of a policy choice regarding the defence of racism and colonialism, which would enhance the prospect of effective law.⁶¹⁶

⁶¹¹ VP Nanda, "The Protection of Human Rights under International Law: Will the U.N. Human Rights Council and the Emerging New Norm U.N. Human Rights Council and the Emerging New Norm Responsibility to Protect Make a Difference Responsibility to Protect Make a Difference", *Denver Journal of International Law and Policy*, Volume 35, No.3, Article 2, Sutton Colloquium, 2006, p.335.

⁶¹² MR Wibowo, "The Relationship Between International Relations and International Law in The Aspects of International Politic", Faculty of Law, Universitas Muhammadiyah, Indonesia, 2021, Available at: <https://researchgate.net/publication/351127540>.

⁶¹³ J Ludert, "Conditions Apply: Non-State Actors Challenging State Sovereignty Through Intergovernmental Organizations: An Analysis of National Liberation Movements and Indigenous Peoples at the United Nations", A *Thesis Submitted in Partial Fulfilment of the Requirements for the Degree of Doctor of Philosophy*, Faculty of Graduate and Postdoctoral Studies (Political Science), University of British Columbia, 2016, p.60.

⁶¹⁴ In, K Asmal, "The legal status of national liberation movements with particular reference to South Africa", 1984, Available at: <https://digitallibrary.un.org>

⁶¹⁵ In, K Asmal, "The legal status of national liberation movements with particular reference to South Africa", 1984, Available at: <https://digitallibrary.un.org>

⁶¹⁶ DP Forsythe, "The 1974 Diplomatic Conference on Humanitarian Law: Some Observations", *American Journal of International Law*, Volume 69, Issue 1, January 1975, p. 77.

5.1 Effects of Representation of National Liberation Movements at the UN

5.2.1 The First Session of the Diplomatic Conference on the Reaffirmation and Development of IHL Applicable in Armed Conflicts

This Conference was held from 20 February to 29 March 1974 in Geneva, Switzerland.⁶¹⁷ It was the first full-fledged diplomatic conference in 25 years to create new law for the protection of victims of wars.⁶¹⁸ The Conference was also the first one in 40 years to take up the question of restricting the use of conventional weapons. It was, further, the first one since World War I to look extensively at the question of methods of attack and to weigh their impact on the civilian population.⁶¹⁹

The debate at the conference cantered around the status of national liberation movements, in this case, those of Southern Africa and the Palestinian Liberation Organisation (PLO). This debate had the most remarkable results both for national liberation movements and for the history of international laws. The preparations for the session began in 1965⁶²⁰

The Diplomatic Conference opened on 20 February 1974 with a statement by Pierre Graber, former Vice-President of the Swiss Federal Council and Head of the Swiss Federal Political Department, in his capacity as Acting President.⁶²¹ Andre

⁶¹⁷In, *Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts*, Geneva (1974-1977), Federal Political Department, Bern, 1978, p.3; also, R Bartels, "The Relationship between International Humanitarian Law and the Notion of State Sovereignty", *Journal of Conflict and Security Law*, Volume 23, Issue 3, Oxford University Press, Winter 2018, p.472.

⁶¹⁸ In, DP Forsythe, "The 1974 Diplomatic Conference on Humanitarian Law: Some Observations", *American Journal of International Law*, Volume 69, Issue 1, January 1975, p. 77.

⁶¹⁹*Ibid.*

⁶²⁰ P Pillay, "The Geneva Conventions and the South African War of Liberation," Available at: <https://journals.co.za>.

⁶²¹ "First session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts", in Document A/9669, Report of the Secretary-General, *Item 93 of the provisional agenda*, Twenty-ninth session, United Nations General Assembly, New York, 12 September 1974, p.9.

Chavanne, former Vice-President of the State Council of the Republic and Canton of Geneva, Vittorio Winspeare Guicciardi, former Director-General of the UN Office at Geneva and representative of the Secretary-General of the UN at the Conference; as well as, Eric Martin, former President of the ICRC, also made statements at the opening meeting.⁶²²

The opening meeting of the Conference was closed by a statement from Mokhtar Ould Dada, President of the Islamic Republic of Mauritania.⁶²³ Held at the invitation of the Swiss Federal Council, the object of the session was to study two draft Additional Protocols prepared, after official and private consultations, by the ICRC and intended to supplement the four Geneva Conventions of 12 August 1949.⁶²⁴

Those Protocols were Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (I); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (II); Geneva Convention relative to the Treatment of Prisoners of War (III); and the Geneva Convention relative to the Protection of Civilian Persons in Time of War (IV).⁶²⁵

One hundred and twenty-six (126)⁶²⁶ States were represented at this session. The largest delegation was that of the United States consisting of twenty-six (26)

⁶²² *Ibid.*

⁶²³ *Ibid.*

⁶²⁴ "Organization of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts", Report of the Secretary-General, Document: A/9669, *Item 93 of the provisional agenda*, Twenty-Ninth Session, United Nations General Assembly, 12 September 1974, p.8.

⁶²⁵ *In*, DP Forsythe, "The 1974 Diplomatic Conference on Humanitarian Law: Some Observations", *The American Journal of International Law*, Volume 69, No.1, January 1975, p.79.

⁶²⁶ For the list of States represented at the First Session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, refer to Appendix III of this document.

persons, drawn from the Department of State and Defence.⁶²⁷ The invitation was also sent to national liberation movements recognised by regional intergovernmental organisations. This was given the importance of ensuring broad participation in the work of the Conference, which was fundamentally humanitarian.⁶²⁸ It was, also, in addition, because the progressive development and codification of international humanitarian law applicable in armed conflicts was a universal task to which the national liberation movements could contribute positively.⁶²⁹

The following national liberation movements accepted the invitation and were represented at the first session of the Conference: PLO; FRELIMO; MPLA; FNLA, ANC (South Africa); PAC (South Africa); ZAFU; ZANU; SWAPO; Somali Coast Liberation Front (FLCS); Djibouti Liberation Movement (MLD); Seychelles People's United Party (SPUP); San Tome and Principe Liberation Movement (MLSTP); and the Comoros National Liberation Movement (MOLINACO).⁶³⁰ For the first time, the national liberation movements used the Diplomatic Conference, which was officially open to them to push for a larger conceptual understanding of superfluous injury and unnecessary suffering to hold imperialism and imperial states accountable for suffering and injury beyond that of physical death or wounding and to recognize the violence of

⁶²⁷ RR Barker, Humanitarian Law, or Humanitarian Politics? The 1974 Diplomatic Conference on Humanitarian Law, *Harvard International Law Journal*, Volume 16, No.1, Winter 1975, p.9; and, DE Graham, "The 1974 Diplomatic Conference The 1974 Diplomatic Conference on The Law of War: A Victory: A Victory for Political Causes and A Return to Political Causes and A Return to the "Just War" Concept Of " Concept Of The Eleventh Century", *Washington and Lee Law Review*, Volume 32, Issue 1, Article 4, Winter, 1975, pp.29-30.

⁶²⁸ In, *Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Law Applicable in Armed Conflicts*, Volume I, Geneva (1974-1977), Federal Political Department, Bern, 1978, p.7

⁶²⁹ "First Session of the Diplomatic Conference of the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflict", *Report of the Secretary-General*, Document A/9669, Agenda Item 93 of the Provisional Agenda, Twenty-Ninth Session, *United Nations General Assembly*, 12 September 1974, p.11.

⁶³⁰ "Rule 58 of the rules of procedure of the Conference", First Session of the Diplomatic Conference of the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflict, *Report of the Secretary-General*, Document A/9669, Agenda Item 93 of the Provisional Agenda, Twenty-Ninth Session, *United Nations General Assembly*, 12 September 1974, p.13 and *Report on Diplomatic Conference on Humanitarian Law*, Geneva, February 20 to 29 March 1974", Document CAB/LEG411/22, Organisation of African Unity, Addis Ababa, Ethiopia.

colonization and the social and cultural destruction it brought.⁶³¹The national liberation movements participated fully in the deliberations of the Diplomatic Conference and its Main Committees. Their participation in the Conference also illuminated a moment when “the natural order of domination was interrupted by the institution of a part of those who have no part.”⁶³² This implied that movements’ participation neutralised the decision-making process which was government representatives.

The statements or proposals and amendments made or submitted by delegations of the national liberation movements were circulated by the Conference Secretariat as Conference documents to all participants in the Conference. But this was with an understanding that it was only delegations representing States who were entitled to vote.⁶³³Several organisations with observer status within the UN were also represented at the Conference. The Working Group for the Development of Humanitarian Law which comprised of several intergovernmental and non-governmental organisations also participated. The ICRC, which had prepared the two draft Additional Protocols, participated in the work of the Conference in an expert capacity.⁶³⁴

The question of participation and representation opened with a ‘bang’ in the form of a speech by President Ould Dada of the Islamic Republic of Mauritania, who came strongly against the ‘Zionists’, Rhodesia, South Africa, and Portugal, and in favour of national liberation movements, and freedom fighters generally.⁶³⁵Dada’s statement set the tone for the Session— which the Third World countries saw as an

⁶³¹ HM Kinsella “Superfluous Injury and Unnecessary Suffering: National Liberation and The Laws of War”, *International Origins of Social and Political Theory Political Power and Social Theory*, Volume 32, 205-231, y Emerald Publishing Limited, 2017, p.208.

⁶³² *Ibid.*

⁶³³ RR Barker, Humanitarian Law, or Humanitarian Politics? The 1974 Diplomatic Conference on Humanitarian Law, *Harvard International Law Journal*, Volume 16, No.1, Winter 1975, p.10.

⁶³⁴ *In*, *Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Law Applicable in Armed Conflicts*, Volume I, Geneva (1974-1977), Federal Political Department, Bern, 1978, p.7.

⁶³⁵ *Ibid.*

opportunity to change the status of the national liberation movements.⁶³⁶ Due to Dada's statement, the session was slowed down by an unexpected virulent political debate. In fact, the Third World countries demanded that the national liberation movements be allowed to participate fully in the Session (not simply as observers) without vote or even with vote. However, the United States and other countries of the Western European group engaged in energetic efforts to block the invitation of the national liberation movements. But the situation calmed down because of the affirmative vote on the participation of the national liberation movements.⁶³⁷

Although the national liberation movements were not formally permitted to vote in the Diplomatic Conference, their contributions had the authority and force of its official documents.⁶³⁸ The liberation movements would later be invited to sign the Final Act of the Conference, an indication of the renegotiation and transformation of the politics of law making over the years of meetings.⁶³⁹

The Conference's plenary meeting commenced on 20 February 1974. After electing Pierre Grabler, then Federal Councillor and Vice President of the Swiss Federal Council, President of the Conference, the Conference held no further official meeting until 27 February.⁶⁴⁰

By the practice followed by major diplomatic conferences, the geographical groups (Africa, Latin America, West European and other States, and the East

⁶³⁶ A Alexander, "International Humanitarian Law, Postcolonialism and the 1977 Geneva Protocol I", Melbourne University, Available at: <https://law.melb.edu.au>

⁶³⁷ R Barxter, *Harmonising the Laws of War: Selected Writings of Richard Barxter*, Oxford University Press, 2013, 294.

⁶³⁸ HM Kinsella "Superfluous Injury and Unnecessary Suffering: National Liberation and The Laws of War", *International Origins of Social and Political Theory Political Power and Social Theory*, Volume 32, 205-231, Emerald Publishing Limited, 2017, p.208.

⁶³⁹ *Ibid.*

⁶⁴⁰ *In*, *Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Law Applicable in Armed Conflicts*, Volume I, Geneva (1974-1977), Federal Political Department, Bern, 1978, p.7.

European States)⁶⁴¹ had several informal consultations with the Presidency. It was these informal consultations with the Presidency that helped the Conference in reaching an agreement on several points. The purpose of the informal consultations was to deal with the major obstacles facing the Conference, including, *inter alia*, concerned the question of extending invitations to participants, the distribution of official posts, and the rules of procedure.⁶⁴²

As a result, on 28 February 1974, when the official meetings resumed to consider the question of participation, the Conference admitted Guinea-Bissau⁶⁴³ by consensus, to participate in the Conference.⁶⁴⁴ Because of failure to reach an agreement on the participation of the Provisional Revolutionary Government of the Republic of South Vietnam (PRG), the Conference decided to vote on the matter. It thereby a vote of 38 to 37, refused to invite that Government.⁶⁴⁵

On 1 March 1974, the Conference, also by consensus, granted the national liberation movements recognised by the OAU and the LAS the right to participate in the Conference's proceedings. The movements were, however, not allowed to vote. This was based on the understanding that only delegations representing States or governments would be entitled to vote.⁶⁴⁶ The decision to grant the national liberation

⁶⁴¹ In, "First Session of the Diplomatic Conference of the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflict", *Report of the Secretary-General*, Document A/9669, Agenda Item 93 of the Provisional Agenda, Twenty-Ninth Session, United Nations General Assembly, 12 September 1974, p.16.

⁶⁴² DE, Graham, "The 1974 Diplomatic Conference on The Law of War: A Victory for Political Cause and A Return to the "Just War" Concept of The Eleventh Century", *Washington and Lee Law Review*, Volume 32, Issue I, Article 4, Winter 1-1, 1975, p.31.

⁶⁴³ Guinea-Bissau was a newly evolved state (became independent in 1973), which had acceded to the 1949 Geneva Conventions, with reservations, shortly before the opening of the Conference.

⁶⁴⁴ *Ibid.*

⁶⁴⁵ "First session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts," Document A/9669, *Report of the Secretary-General*, Item 93 of the provisional agenda, Twenty-ninth session, United Nations General Assembly, New York, 12 September 1974, p.10.

⁶⁴⁶ "First Session of the Diplomatic Conference of the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflict", *Report of the Secretary-General*, Document A/9669, Agenda Item 93 of the Provisional Agenda, Twenty-Ninth Session, United Nations General Assembly, 12 September 1974, p.12.

movements the right to participate in the Conference was in pursuance of the resolutions adopted by the XXIInd International Conference of the Red Cross, held in Teheran, during the twenty-eighth session of the UN GA. Specifically, these resolutions urged the Diplomatic Conference to consider inviting such liberation movements.⁶⁴⁷

At the same time, the Conference confirmed, by consensus, that an agreement had been reached on the distribution of official posts, namely the appointment of the Vice-Presidents of the Conference, and the Chairmen, Vice-Chairmen, and Rapporteurs of the four main Committees, the Drafting Committee, and the Credentials Committee.⁶⁴⁸ This phase of the proceedings ended with the Conference's approval of the Committee's program of work and adoption of the rules of procedure, based on the report drawn up by the Drafting Committee, chaired by Sayed Chowdhury (Bangladesh), on several proposed amendments to the draft rules of procedure.⁶⁴⁹

From 5 and 11 March 1974, during the initial plenary meetings devoted to general discussion, delegates stated their position regarding the draft Protocols Additional to the Geneva Conventions.⁶⁵⁰ Most of the delegates expressed the view that the Geneva Conventions and other questions relating to the application of humanitarian law were interesting issues for discussion at the Conference.⁶⁵¹

⁶⁴⁷ In, DE "The 1974 Diplomatic Conference on The Law of War: A Victory for Political Cause and A Return to the "Just War" Concept of The Eleventh Century", *Washington and Lee Law Review*, Volume 32, Issue I, Article 4, Winter 1-1, 1975, p.17.

⁶⁴⁸ "First Session of the Diplomatic Conference of the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflict", *Report of the Secretary-General*, Document A/9669, Agenda Item 93 of the Provisional Agenda, Twenty-Ninth Session, United Nations General Assembly, 12 September 1974, pp.16-18.

⁶⁴⁹ "Summary of Work," Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, *International Review of the Red Cross*, Fourteenth Year, No.158, Geneva, May 1974, p.231.

⁶⁵⁰ *Ibid.*

⁶⁵¹ *Ibid.*

On 11 March, three of the four main Committees began to deal with the draft Protocols Additional to the Geneva Conventions submitted by the ICRC. Committee II, unlike the rest of the other committees, had started its meetings on 6 March, during the plenary meetings. The last of Committee II's meetings was held on March 21, 1974.⁶⁵²

One of the results of the Committee II's meetings was the approval of an amendment to the draft article defining the scope of the Protocol applicable in international armed conflicts, and its inclusion in the field of application of Protocol I and the Geneva Conventions.⁶⁵³ Specifically, Article 1 of the Protocol—General principles included, among other things, armed conflicts in which people were fighting against colonial and alien occupation and racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the UN⁶⁵⁴ and Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States by the Charter of the UN.⁶⁵⁵

Committee II was chaired by T. Mallik of Poland with D. Maiga of Mali as rapporteur, was concerned with the protection of the wounded, the sick, and the

⁶⁵² "Election of members of the Drafting; Committee and officers of the Committee, the Technical Sub-Sub-Committee and the Drafting Committee Officers of the Committee", *Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts*, Geneva (1974 -1977), Volume I, Federal Political Department, Bern, 1978, p.5.

⁶⁵³ In, "Respect for Human Rights in Armed Conflicts", *Report of the Secretary-General*, Document A/9669, Item 93 of the provisional agenda, Twenty-ninth session, United Nations General Assembly, 12 September 1974, p.5.

⁶⁵⁴ In, "Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflict," *International Review of the Red Cross*, Fourteenth Year, Bo.158, Geneva, May 1974, p.232.

⁶⁵⁵ Amongst others, by this Declaration, the GA proclaimed the principle of equal rights and self-determination of peoples. It stated for instance, that the every State had the duty to promote, through joint or separate action, the realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the UN in carrying out the responsibility entrusted to it by the Charter regarding the implementation of the principle in order to bring a speedy end to colonialism, having due regard to the freely expressed will of the people concerned. In, UN GA RES 2625 (XXV)—Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted at the 1883rd plenary meeting, 24 October 1970, Available at: [h https://digitallibrary.un.org](https://digitallibrary.un.org)

shipwrecked, as well as with health transport, civil defense bodies, and relief.⁶⁵⁶ It also had a Drafting Committee chaired by B. Jakovljevic of former Yugoslavia, and a Technical Sub-Committee on Signs and Signalling, chaired by H.A. Kieffer, a Swiss expert.⁶⁵⁷

The purpose of the Sub-Committee was to study the rules relating to the identification and marking of medical and civil defense personnel, units, and vehicles and draft Protocols Addition to the Geneva Conventions put forward by the IRC, concerning improved signalling and identification, and hence protection, for medical services and civil defense.⁶⁵⁸ The Drafting Committee was responsible for coordinating and reviewing the drafting of all the texts adopted by the Main Committees.⁶⁵⁹

Chaired by E. Hambro of Norway, Committee I opened the discussion on general provisions and applications. One of the questions that arose in the Committee related to the national liberation wars.⁶⁶⁰ This issue was discussed, and a report thereof was adopted at the final plenary meeting. It showed that the essential provision discussed by Committee I was Article I of draft Protocol I— also considered in a working group chaired by Miguel Marin-Bosch (Mexico).⁶⁶¹

Committee I also examined: Article 2 (Definitions); Article 3 (Beginning and end of the application); Article 4 (Legal Status of the Parties to the conflict); and Article 5 (Appointment of Protecting Powers and their substitute).⁶⁶² After examining the

⁶⁵⁶ *Ibid.*

⁶⁵⁷ *Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts*, Geneva (1974 -1977), Volume I, Federal Political Department, Bern, 1978, p.11.

⁶⁵⁸ "Summary of Work", Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, *International Review of the Red Cross*, Fourteenth Year, No.158, Geneva, May 1974, p.233.

⁶⁵⁹ *Ibid.*

⁶⁶⁰ *Ibid.*

⁶⁶¹ *Ibid.*

⁶⁶² *In*, "Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflict", *International Review of the Red Cross*, Fourteenth Year, Bo.158, Geneva, May 1974, p.232.

articles, the Committee proposed amendments to about fifteen articles in Draft Protocol II, applicable in non-international armed conflicts, but could not discuss them in the first session due to lack of time.⁶⁶³

Committee III was Chaired by H. Sultan (Egypt), and presided by its rapporteur, R. Baxter of the United States of America (USA). Its purpose was to examine the problem imperfectly covered by international humanitarian law—the protection of the civilian population against hostilities.⁶⁶⁴ Committee III was also partly tasked to deal with Article 44 of draft Protocol I and Article 26 of draft Protocol II which concerned the field of application of the rules.⁶⁶⁵

One result of the Committee's meetings was an adoption, though with reservations, field of application of the Protocols, Articles 43 and 45 of Protocol II and the corresponding articles (Articles 23 and 25), on the protection and definition of the civilian population.⁶⁶⁶ The Committee, however, could not reach an agreement as to whether the Protocols should cover the protection of civilians on land alone or even in the air (e.g., civilian aircraft) and at sea (e.g., in merchant's vessels)⁶⁶⁷, and also failed to discuss numerous amendments submitted to various articles in the Protocols.⁶⁶⁸

In addition to the three main Committees, the Conference decided by sixty-eight votes to none, with ten abstentions, to constitute an Ad Hoc Committee of the Whole on Conventional Weapons.⁶⁶⁹ It was chaired by D. Garces (Colombia), with F.

⁶⁶³ *Ibid.*

⁶⁶⁴ *Ibid.*

⁶⁶⁵ *Ibid*, p.80.

⁶⁶⁶ "Summary of Record of the Tenth Meeting", 21 March 1974, CDDH/I II/SR. 10, in *Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts*, Geneva (1974 -1977), Volume XIV, Federal Political Department, Bern, 1978, pp.78-80.

⁶⁶⁷ *Ibid*, p.85

⁶⁶⁸ *Ibid*, p.88.

⁶⁶⁹ "First session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts," in Document A/9669, *Report of the Secretary-General*, Item 93 of the provisional agenda, Twenty-ninth session, United Nations General Assembly, New York, 12 September 1974, p.15.

Kalshoven (Netherlands) as a rapporteur. The constitution of the Ad Hoc Committee was pursuant to the ICRC's meeting of experts convened in Geneva (1973) and resolutions adopted by the XXIInd International Conference of the Red Cross (Teheran, November 1973), and the twenty-eighth session of the UN GA.

The mandate of the Ad Hoc Committee was to examine the question of prohibition or restriction of the use of specific categories of conventional weapons which might cause unnecessary suffering or have indiscriminate effects (e.g., napalm, pellet bombs and dum-dum bullets), and consider all proposals which are submitted to the Conference relating to such weapons.⁶⁷⁰

One of the results of the Ad Hoc Committee of the Whole on Conventional Weapons' meetings was an adoption of a work plan on weapons which was proposed by the ICRC. The plan included, among other things, convening of a Conference of Government Experts by the ICRC.⁶⁷¹

On 28 and 29 March 1974, at its final plenary meetings, the Conference studied and noted reports of its committees. Given the importance of Committee I's report, the Conference adopted, by consensus, a resolution on the proposal of India.⁶⁷² By this text, the Conference welcomed the report of Committee I, particularly the adoption of Article I of the draft Protocol I.⁶⁷³ The adoption of the article was a declaration that

⁶⁷⁰ *Ibid.*

⁶⁷¹ "Diplomatic Conference of the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts," Summary of Work, *International Review of the Red Cross*, Fourteenth Year, No.158, Geneva, May 1974, p.31.

⁶⁷² *Ibid.*

⁶⁷³ "Decisions taken by the Diplomatic Conference at the Closing of its First Session", First session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts", in Document A/9669, *Report of the Secretary-General*, Item 93 of the provisional agenda, Twenty-ninth session, United Nations General Assembly, New York, 12 September 1974, p.54.

wars of national liberation were on an equal footing with international armed conflicts.⁶⁷⁴

As a follow-up, President Graber pointed out at the final plenary meeting, that the Diplomatic Conference had not concluded but suspended its work. It was therefore decided to hold a second session in Geneva, from 3 February to mid-April 1975.⁶⁷⁵

The Conference, under a resolution submitted by: Bangladesh; Canada; Egypt; India; Mexico; Nigeria; Sri Lanka; Sudan; Sweden; and Yugoslavia, invited the participants to submit amendments and proposals on the draft Protocols, if possible before 15 September 1974, for the Secretariat of the Conference to distribute before 15 November.⁶⁷⁶

The next section concerns the UN Conference on the Representation of States Relations with International Organisations. This Conference is significant because, to achieve common interests, States and their representatives develop international organisations.⁶⁷⁷, and UN is one such an organisation.

5.2.2 United Nations Conference on the Representation of States Relations with International Organisations

From 4 February to 14 March 1975, the UN convened a conference entitled 'The United Nations Conferences on Representation of States relations with International Organisations' in Vienna, Austria. It was the seventh UN GA Conference

⁶⁷⁴ S Verhoeven, "International and Non-International Armed Conflicts", *Working Paper* No 107, Institute for International Law, Katholieke Universiteit Leuven Faculty of Law, March 2007, p.12.

⁶⁷⁵ "First session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts," Document A/9669, *Report of the Secretary-General*, Item 93 of the provisional agenda, Twenty-ninth session, United Nations General Assembly, New York, 12 September 1974, p.54.

⁶⁷⁶ *Ibid.*

⁶⁷⁷ GS Nurhartano, "The Functions and Importance of Representation of States in their Relations with International Organizations of a Universal Character," *LaJiL*, Volume 4, July-December 2023, 67.

called to draw up, international conventions embodying the efforts of the world community to comply with the task, laid down in the Charter, of 'encouraging the progressive development of international law and its codification to strengthen the legal basis for international cooperation and full realization of international détente.'⁶⁷⁸

The Conference was held, under the GA Resolution 3272 (XXVII) of 30 November 1973. By this resolution, the Assembly had decided, inter alia, that the UN Conference on the Representation of States in Their Relations with International Organisation would be held early in 1975 in Vienna.⁶⁷⁹ Also, the Assembly had, by the same resolution, referred to the Conference, as a basic proposal for its consideration, draft articles adopted by the International Law Commission (ILC).⁶⁸⁰

The ILC had, in 1958, brought the attention of the UN GA to the question of relations between states and international organisations.⁶⁸¹ At the invitation of the GA, the ICL had placed the question on its agenda for its 1963 session.⁶⁸² The Assembly, then appointed Judge Abdullah El-Erian of Egypt as Special Rapporteur and requested him to submit a report on 'relations between states and intergovernmental organisations, who also acted as an expert consultant to the conference.'⁶⁸³

⁶⁷⁸ In, "United Nations Conference on the Representation of States in Their Relations with International Organizations, Vienna, 4 February-14 March 1975 : Summary Records of the plenary meetings and of the meetings of the Committee of the Whole", Document: A/CONF.67/18, *Official Records*, Volume I, United Nations, New York, 1976, p.3

⁶⁷⁹ UN GA RES/3072 (XXVIII)—United Nations Conference on the Representation of States in Their Relations with International Organisations", adopted at the 2186th plenary meeting, on 30 November 1973, United Nations Documents, Available at: www.undocs.org

⁶⁷⁹ *Ibid.*

⁶⁸⁰ "Chapter III: Diplomatic Intercourse and Immunities," *Draft Articles on Diplomatic Intercourse and Immunities with commentaries*, text adopted by the International Law Commission at its tenth session, in 1958, and submitted to the General Assembly, United Nations, New York, 2005, pp.89-105.

⁶⁸¹ *Ibid.*

⁶⁸² In, "Texts submitted by the Drafting Committee in accordance with the decisions taken by the Conference at its Plenary Meeting", A/CONF.67/12, A/CONF.67/13/ and Add.1 and A/CONF.67/14, United Nations Conference on the Representation of States relations with International Organisations, adopted by the International Law Commission (ILC) at its Twenty-Third Session, Vienna, Austria, 4 February- 14 March, 1975.

⁶⁸³ *Ibid.*

In recent years, the Special Rapporteur has drafted several reports and working papers. In 1969, he submitted a full set of draft articles with commentaries, on the legal position of representatives of states to international organisations.⁶⁸⁴ After discussion and amendment by the ILC, those drafts were submitted to governments for comments. In light of those comments, the ILC completed its final draft of the articles in 1971.⁶⁸⁵

Once again, the GA invited the Governments to comment on the final ILC draft articles. At its twenty-seventh session, the Assembly by Resolution 2966 (XXVII) of 14 December 1972, decided to convene an international conference of plenipotentiaries.⁶⁸⁶ The idea was to consider the question of the representation of states in their relations with international organisations and, using the ILC draft articles as a basis, to embody the results of its work in international convention and such other instruments as might have deemed appropriate.⁶⁸⁷

In its twenty-ninth session in 1974, the GA decided to determine at its twenty-ninth session (in 1974) the question of participation in the Conference. This item was included in its agenda on 21 September 1974 and allocated to the Sixth (Legal) Committee.⁶⁸⁸ On the recommendation of the Sixth Committee, the Assembly decided to invite all States to participate in the UN Conference on the Representation of States in Their Relations with International Organisations, and to invite also the national liberation movements recognised by the OAU and/or the League of Arab States (LAS)

⁶⁸⁴ "Texts submitted by the Drafting Committee in accordance with the decisions taken by the Conference at its Plenary Meeting", *Documents: A/CONF.67/12, A/CONF.67/13/ and Add.1 and A/CONF.67/14*, United Nations Conference on the Representation of States relations with International Organisations, adopted by the International Law Commission (ILC) at its Twenty-Third Session, Vienna, Austria, 4 February- 14 March, 1975.

⁶⁸⁵ *Ibid.*

⁶⁸⁶ "UN GA Resolution 2966 (XXVII)—International Conference of plenipotentiaries on the Representations of States relations with International Organisations", in Document: A/8796, Agenda Item 87, *Report of the Sixth Committee*, Twenty-Seventh Session, United Nations General Assembly, New York, 12 December 1972, p.1.

⁶⁸⁷ *Ibid.*

⁶⁸⁸ *In*, *Yearbook of the United Nations*, New York, 1974, p.865, p.63.

in their respective regions to participate in the Conference as observers, by the practice of the UN.⁶⁸⁹

In response to the invitation by the Government of Austria, the GA subsequently decided that the conference be held in Vienna early in 1975.⁶⁹⁰ On 29 November 1974, the Assembly invited all states to participate in the Conference, and by that decision, eighty-one⁶⁹¹ States attended the Conference. The governments of Iran and Iraq were represented by observers.⁶⁹²

The GA also requested the specialized agencies, International Atomic Energy Agency (IAEA), and relevant intergovernmental organisations to send observers to the conference.⁶⁹³ Thus, the following intergovernmental organisations accepted the invitation and were represented by observers at the Conference: ILO; FAO; UNESCO; WHO; and IAEA.⁶⁹⁴ Other intergovernmental organisations attending included: the Council of Europe (COE); the European Economic Community and the LARS.⁶⁹⁵

By Resolution 3247 (XXIX) of 29 November 1974, the GA decided to invite also the national liberation movements recognised by the OAU and/or by the LAS in their respective regions to participate in the Conference as observers.⁶⁹⁶ Thus, the following national liberation movements accepted that invitation and were represented by

⁶⁸⁹ *Yearbook of the United Nations*, New York, 1973, p.865.

⁶⁹⁰ In, UN GA RES/3072 (XXVIII)—United Nations Conference on the Representation of States relations with International Organisations, adopted at its 2186th plenary meeting, on 30 November 1973, World Legal Institute, Available at: www.wordlii.org

⁶⁹¹ For the list of States attending the United Nations Conference on the Representation of States in Their Relations with International Organizations, refer to Appendix IV of this document.

⁶⁹² *Yearbook of the United Nations*, New York, 1973, p.865.

⁶⁹³ *Ibid.*

⁶⁹⁴ *Ibid.*

⁶⁹⁵ *Ibid.*

⁶⁹⁶ See footnote 778 above.

observers at the Conference: the Movement for the National Liberation of Comoro (MNLC); FNLA; PLO; PAC; MPLA; SWAPO; and the ZAPU.⁶⁹⁷

The Conference on the Representation of States in Their Relations with International Organisations opened on 4 February 1975, with a statement by Erik Suy, Legal Counsel of the UN, on behalf of the Secretary-General.⁶⁹⁸ Rudolph Kirchsclaeger, President of the Federal the Republic of Austria also made a statement at the opening meeting.⁶⁹⁹ Jose Sette Camara (Brazil), an eminent international lawyer, a diplomat, and the country's permanent representative at the UN was nominated as the President of the Conference.⁷⁰⁰

In his statement, Suy, among other things, re-stated the purpose of the Conference as 'to examine the ILC's draft articles on the representation of State relations with international organisations and to include the results of its work in an internationally binding convention'.⁷⁰¹ As Kirchsclaeger noted, the subject matter of the Conference was an expression of the growing recognition of the importance of international organisations.⁷⁰²

The basis for the work of the Conference was the draft articles prepared by the ILC at its fourteenth session in 1962. These comprised eighty-two articles covering all aspects of the existing relations between States and international organisations.⁷⁰³ In

⁶⁹⁷ *In*, "Text submitted by the Drafting Committee in accordance with the decisions taken by the conference at its 5th Plenary Meeting", *Document: A/CONF.67/12; A/CONF.67/13 and Add.1 and A/CONF.67/14*, United Nations Conference on the Representation of States relations with International Organisations, adopted by the International Law Commission at its Twenty-Third Session, Vienna, Austria, 4 February- 14 March 1975.

⁶⁹⁸ *In*, "United Nations Conference on the Representation of States in Their Relations with International Organizations," Summary of the Plenary Meetings, *Document: A/CONF.67/SR.1*, first plenary meeting, Vienna, Austria, 4 February, 14 March 1975, p.4.

⁶⁹⁹ *Ibid.*

⁷⁰⁰ *Ibid*, p.5.

⁷⁰¹ *Ibid*, p.4.

⁷⁰² *Ibid*, p.5.

⁷⁰³ *Ibid*, p.6.

addition, the Conference considered the twenty-four articles that dealt with observer delegations to organs and conferences.⁷⁰⁴

The organization and attendance of the Conference were to ensure full compliance with the mandate entrusted to it by GA resolutions 2966 (XXVII), 3072 (XXVIII), and 3247 (XXIX). Specifically, these resolutions referred to the conference as the foundation for drafting articles on the representation of state relations with international organisations.⁷⁰⁵

Most importantly, the Conference would undertake the historic step of establishing rules to govern relations between states and international organisations, to define in clear-cut terms the status of the representatives of States to international organisations to assure them of complete parity with traditional diplomatic agents.⁷⁰⁶

On 5 February, at its third plenary meeting, the Conference nominated Vice Presidents according to regional groupings (Africa, Asia, Eastern, and Western Europe).⁷⁰⁷ The Conference, also, elected Nettel (Austria), then as Chairperson of the Committee of the Whole by acclamation.⁷⁰⁸

⁷⁰⁴ *Ibid.*

⁷⁰⁵ UN GA RES/2966 (XXVII)—International Conference of plenipotentiaries on the representation of States in their relations with international organizations, adopted at twenty-seventh session in 1972, United Nations Research Centre, Available at: <https://research.un.org> ; UN GA RES/ 3072 (XXVIII)—United Nations Conference on the Representation of States in Their Relations with International Organizations, was adopted at twenty-eighth session in 1973, World Legal Institute, Available at: <http://www.worldlii.org> ; UN GA RES/3247 (XXIX)— Participation in the United Nations Conference on the Representation of States in Their Relations with International Organizations, adopted at the twenty-ninth session (1974-1975), World Legal Institute, Available at: <http://www.worldlii.org>

⁷⁰⁶ United Nations Conference on the Representation of States in Their Relations with International Organizations”, *Summary of the Plenary Meetings*, Document: A/CONF.67/SR.1, 1st plenary meeting, Vienna, Austria, 4 February, 14 March 1975,

⁷⁰⁷ *Ibid.*

⁷⁰⁸ “United Nations Conference on the Representation of States in Their Relations with International Organizations”, 2nd plenary meeting, Document: A/CONF.67/SR.2, *Extract from Volume I of the Official Records of the United Nations Conference on the Representation of States in Their Relations with International Organizations* (Summary records of the plenary meetings and of the meetings of the Committee of the Whole), Vienna, Austria, 4 February - 14 March 1975, p.10.

The nominees for the position of Vice-Presidents were Bulgaria; Chile; Egypt; France; India; Italy; Japan; Lebanon; Liberia; Libyan Arab Republic; Malaysia; Mali; Madagascar; Mexico; Netherlands; Panama; Union of Soviet Socialist Republics (USSR); UK; United States of America (USA); Venezuela; and former Yugoslavia.⁷⁰⁹

The Conference also set up four committees and a Secretariat. Those committees were: the General Committee; Committee of the Whole; Drafting Committee and the Credentials Committee.⁷¹⁰ The *General Committee* was chaired by the President of the Conference. Its members were the President and Vice Presidents of the Conference, the Chairperson of the Committee of the Whole, and the Chairperson of the Drafting Committee.⁷¹¹

The *Committee of the Whole* was Chaired by Erik Nettel of Austria. Its members were: Max Wershof of Canada and Alfons Klafkowski of Poland. The *Drafting Committee* was chaired by Solomon Sogbetun of Nigeria. Its members were: the Chairperson of the Drafting Committee, from Argentina, France, Iraq, Morocco, Netherlands, Pakistan, Peru, Switzerland, USSR, UK, Tanzania, US, and an ex officio, by the rules of procedure of the Conference and Rapporteur of the Committee of the Whole.⁷¹²

The *Credentials Committee* was chaired by Jose Plana of the Philippines, and the members were from Belgium, Ecuador, Guatemala, Hungary, Ivory Coast, Philippines, Thailand, Cameroon, and the US.⁷¹³ This Committee met on 6 March

⁷⁰⁹ *Ibid.*

⁷¹⁰ In, "Report of the Credentials Committee", Official Records, Volume II, Documents of the Conference, Document: A/CONF.67/10, *Addendum 1*, United Nations Conference on the Representations of States in their Relations with International Organisations, Vienna, 4 February- 14 May 1975, United Nations, New York, 1976, p.78.

⁷¹¹ *Ibid.*

⁷¹² "Report of the Credentials Committee," Official Records, Volume II, Documents of the Conference, Document: A/CONF.67/10, *Addendum 1*, United Nations Conference on the Representation of States in Their Relations with International Organisation, Vienna, 4 February-14 March 1975, United Nations, New York, 1976, p.3.

⁷¹³ *Ibid.*

1975, to formalize invitations and credentials for participation, as well as the lists of representatives participating in the Conference.⁷¹⁴

The Secretariat of the Conference was composed of the representatives of the Secretary-General of the UN, Under-Secretary-General, the Legal Counsel, Erik Suy; Executive Secretary of the Conference, Director of the Codification Division, Yuri M. Rybakov; Secretary of the Committee of the Whole, N. Teslenko, Assistant Secretaries of the Committee of the Whole, J. Dauchy and R. Zacklin; Secretary of the Drafting Committee, S. Torres Bernardez; Deputy Secretaries of the Drafting Committee, E. Valencia Ospina; and R. Sommereyns.⁷¹⁵

By its rules of procedure, adopted on 4 February 1975, the Conference assigned to the Committee of the Whole the consideration of the draft articles on the representation of States in their relations with international organisations adopted by the ILC (already mentioned above).⁷¹⁶

The Drafting Committee, in addition, to its responsibilities for drafting and for coordinating and reviewing all the texts adopted, was entrusted by the Conference with the preparations of the title, preamble, and final clauses of the Convention, and the Final Act of the Conference.⁷¹⁷

At its 5th plenary meeting, on 20 February 1975, the Committee of the Whole approved the draft articles on the representation of States in their relations with

⁷¹⁴ *Ibid.*

⁷¹⁵ *Ibid.*

⁷¹⁶ *Ibid.*

⁷¹⁷ In, "Final Act of the United Nations Conference on the Representation of States in Their Relations with International Organizations," *Document A/CONF.67/15*, United Nations Conference on the Representations of States in their Relations with International Organisations, Vienna, 4 February- 14 May 1975, United Nations, New York, 1976, p.191.

international organisations.⁷¹⁸ The approval of the draft articles was based on the proposal submitted by: Bulgaria; Byelorussian SSR; Cuba; Czechoslovakia; Germany; Hungary; Mongolia; Poland; Ukrainian SSR; and the USSR.⁷¹⁹ The articles concerned delegations to organs and conferences, as well as observer delegations to organs and conferences.⁷²⁰

On 11 March 1975, the President expressed his gratitude to the Chairman and Rapporteur of the Committee of the Whole and the Chairman of the Drafting Committee for their work; and reminded the Conference to conclude its work in time for the Convention and Final Act thereof, to be ready for signature on 14 March.⁷²¹

To that end, the President proposed that the proceedings be conducted by the rules of the procedure whereby delegations would confine themselves to one statement not exceeding three minutes, including an explanation of vote, on any one article; and urged that the Conference complete its first consideration of the draft articles of the Convention before taking up any draft.⁷²²

On that basis, the Conference approved the titles and texts of articles adopted by the Committee of the Whole. Two days later, the Conference adopted, by a vote of fifty-seven in favour to one against, with fifteen abstentions,⁷²³ the Vienna Convention

⁷¹⁸ “United Nations Conference on the Representation of States in Their Relations with International Organizations”, 5th Plenary Meeting, 20 February 1975, Document: A/CONF.67/SR.5, *Extract from Volume I of the Official Records of the United Nations Conference on the Representation of States in Their Relations with International Organizations (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*, Vienna, Austria 4 February - 14 March 1975, p.17.

⁷¹⁹ *Ibid.*

⁷²⁰ *Ibid.*

⁷²¹ *In*, “United Nations Conference on the Representation of States in Their Relations with International Organizations”, 5th Plenary Meeting, 20 February 1975, Document: A/CONF.67/SR.5, *Extract from Volume I of the Official Records of the United Nations Conference on the Representation of States in Their Relations with International Organizations (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*, Vienna, Austria 4 February - 14 March 1975, p.17.

⁷²² *Ibid.*

⁷²³ JG Fennessey, “The 1975 Vienna Convention on the Representation of States in Their Relations with International Organisations of a Universal Character”, *The American Journal of International Law*, Volume 70, No.1, Cambridge University Press, 1976, p.62.

on the Representation of States in Their Relations with International Organisations of a Universal Character.⁷²⁴

The most noticeable feature of the Convention was the high level of privileges and immunities accorded to the representatives (delegations).⁷²⁵ It was, accordingly, hailed as the latest in a series of treaties that had resulted from the work of the ILC, and one of the treaties had been designed to codify and develop the principles of diplomatic relations.⁷²⁶ It was also hailed as one of the major codifying treaties concluded under UN auspices.⁷²⁷ Its language reflected the historical and geopolitical landscape of that existed in the 1960s—one which the pace of immigration was at a relative lull and Cold War spy games, not state-level capital offenses were a top priority.⁷²⁸

What distinguished, the 1975 Convention from its predecessors (1961 and 1963 Conventions on Diplomatic and Consular Relations and the 1969 Convention on Special Missions), was that it seemed unlikely to attract the support of a substantial number of states most affected by its provisions—the major hosts states for international organisations.⁷²⁹

⁷²⁴ “Vienna Convention of the Representation of States in Their Relations with International Organisations of a Universal Characters”, A/CONF.67/16, *Extract from Volume II of the Official Records of the United Nations Conference of the Representation of States in Their Relations with International Organisations (Documents of the Conference)*, United Nations Conference on the Representation of States in Their Relations with International Organisations, Vienna, Austria, 4 February- 14 March 1975.

⁷²⁵ G Fennessey, “The 1975 Vienna Convention on the Representation of States in Their Relations with International Organisations of a Universal Character”, *The American Journal of International Law*, Volume 70, No.1, Cambridge University Press, 1976, p.62.

⁷²⁶ *Ibid.*

⁷²⁷ P Brazil, “Some Reflections on the Vienna Convention of Law Treaties,” *Federal Law Review*, Volume 6, Issue 2, June 1975, p.1.

⁷²⁸ NM Howell, “A Proposal for U.S. Implementation of the Vienna Convention Consular Notification,” *UCLA Law Review*, Volume 60, No.1324, 2013, p.1.

⁷²⁹ G Fennessey, “The 1975 Vienna Convention on the Representation of States in Their Relations with International Organisations of a Universal Character”, *The American Journal of International Law*, Volume 70, No.1, Cambridge University Press, 1976, p.62

That distinction was evidenced by the fact that in the vote adopting the Convention as a whole, Belgium voted against it.⁷³⁰ The states abstaining included the US (host state for the UN), Switzerland, and host states for various UN organs (ILO, WHO, UP, etc.) Austria (host state for IAEA and UNIDO), Canada (host state for International Civil Aviation Organisation [ICAO]), France (host state for UNESCO), and the UK (host state for Inter-governmental Maritime Consultative Organisation [IMCO]).⁷³¹

The Vienna Convention consists of six parts. The first part (Introduction) consists of four Articles concerning the use of terms; the scope of the Convention; the relationship between the Convention and relevant rules of international organisations or conferences; as well as, and the relation between the Convention and other international agreements.⁷³²

The second dealt with the establishment of permanent missions and observer missions to international organisations, the appointment of mission members, and the principal functions of those missions; further prescribed the jurisdictional immunity of the diplomatic staff of the mission, as well as some other persons; and lastly, established the inviolability of missions' premises and the freedom of movements, communication and the personal inviolability of the members of the mission.⁷³³

Part III concerned Delegations to Organs and to Conferences (sending of delegates; appointment of members; credentials; size, notifications, mission heads, their precedence; status of heads of state and other persons; facilities; premises and accommodation; privileges and immunities; exemption from taxation; archives and

⁷³⁰ *Ibid.*

⁷³¹ *Ibid.*

⁷³² "Vienna Convention of the Representation of States in Their Relations with International Organisations of a Universal Characters", A/CONF.67/16, *Extract from Volume II of the Official Records of the United Nations Conference of the Representation of States in Their Relations with International Organisations (Documents of the Conference)*, United Nations Conference on the Representation of States in Their Relations with International Organisations, Vienna, Austria, 4 February- 14 March 1975.

⁷³³ *Ibid.*

documents; and freedom of movement and communication.⁷³⁴ Other aspects covered in the third part included: personal inviolability; private accommodation and property; immunity from jurisdiction; waiver of immunity and many other issues.⁷³⁵

The fourth part concerned observer delegations to UN organs and conferences, including things such as: sending observer delegations; and general provisions regarding observer delegations.⁷³⁶ Part five dealt with general provisions such as nationalities (acquisition and privileges), the most significant of which was cooperation between States and host States.⁷³⁷ The sixth and last part dealt with issues such as signature, ratification, accession, entry into force, an implementation by organisations, notifications by repositories, and authenticity.⁷³⁸

Generally, *the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character*, as a whole, would serve as the basis for regulating the posting of State representatives in relation to international organisations of a universal character. The Convention would also be important in providing a special protection to the representatives of states was posted in elsewhere—thereby strengthening collaboration with international organisations who opened or established permanent secretariat or branches office around the world.

In addition to Convention, the Conference also adopted a Final Act and a set of five resolutions forming a part thereof. One of these resolutions was introduced directly

⁷³⁴ *Ibid.*

⁷³⁵ *Ibid.*

⁷³⁶ *Ibid.*

⁷³⁷ *Ibid.*

⁷³⁸ *Ibid.*

after the plenary, related to the status of the liberation movements recognised by the OAU and/or the LAS.⁷³⁹

Under the resolution relating to the status of the liberation movements, the Conference requested the GA at its regular session in 1975 to ensure the effective participation as observers by national liberation movements in the performance of the international organisations.⁷⁴⁰

By another resolution, relating to the application of the Convention in future activities of international organisations, the Conference recommended to the Assembly of the UN that a suitable request should be made to the Secretary-General to inform the Member States that had asked for boats of future international organisations of a universal character or of conferences convened by, or under the auspices of, international organisations of a universal had duly ratified or had acceded to the Vienna Convention on Representation of States in Their Relations with International Organisations of a universal character.⁷⁴¹

The remaining resolutions introduced directly in the plenary of the Conference were adopted by acclamation. With these resolutions, the Conference resolved to express gratitude and appreciation to Abdulla El-Erian, the expert consultant for the conference, and the ILC for their contribution to the codification and progressive development of the rules of international law, and the Government and inhabitants of

⁷³⁹ In, Part V: General Provisions, Vienna Convention on the Representation of States relations with International Organisations of a Universal Character, *A/CONF.67/16*, United Nations Conference on the Representation of States relations with International Organisations, Vienna, Austria, 4 February- 14 March, 1975, pp.221-222; also see “Convention of the Representation of States in Their Relations with International Organisations of a Universal Character”, *The American Journal of International Law*, Volume 69, No.3, Cambridge University Press, July 1975, p.758.

⁷⁴⁰ In, Part V: General Provisions, Vienna Convention on the Representation of States relations with International Organisations of a Universal Character, *A/CONF.67/16*, United Nations Conference on the Representation of States relations with International Organisations, Vienna, Austria, 4 February- 14 March, 1975, pp.221-222.

⁷⁴¹ “Resolutions relating to the Applications of the Convention in Future Activities of International Organisations”, *Request for the Inclusion of an Item in the Provisional Agenda*, Thirtieth Session, United Nations General Assembly, United Nations General Assembly, New York, 6 June 1976.

Austria for their contribution to the successful completion of the performance of the conference.⁷⁴²

The Final Act was signed on 14 March 1975 and the Convention, subject to ratification, was open for signature and for accession on that date. After 30 September 1975, the Convention was deposited with the Secretary-General of the UN.⁷⁴³

The Conference, therefore, recommended that the states concerned, in the meantime, accord to the delegations of the liberation movements concerned the necessary facilities, privileges, and immunities; and they should also be guided therein by the provisions of the Conventions.⁷⁴⁴

The next section is about the World Conference on International Women's Year. This Conference is important because it presented an opportunity for women members leaders of national liberation movements, including those in Southern Africa, to support each other's right to political power.⁷⁴⁵

5.2.3 The World Conference on International Women's Year

In 1975, the UN held in Mexico City, the World Conference on International Women's Year. This Conference was hailed as 'the capstone event of International Women's Year, the UN's response to the transnational women's liberation

⁷⁴² *Ibid.*

⁷⁴³ The Final Act of the United Nations Conference on the Representation of State Relations with International Organisations, *A/CONF.67/15*, United Nations Conference on the Representation of State relations with International Organisations, Vienna, Austria, 4 February- 14 March 1975.

⁷⁴⁴ "Resolutions relating to the Observer Status of National Liberation Movements Recognised by the Organisation of African Unity and/or by the League of Arab States", *A/10141, Request for the Inclusion of an Item in the Provisional Agenda*, Thirtieth Session, United Nations General Assembly, United Nations General Assembly, New York, 6 June 1976.

⁷⁴⁵ B Ford, "What is International Women's Year Conference on Women in Public Life?" Box 40, Folder" International Women's Year", *Betty Ford House Papers, 1973-1977*, The Gerald Ford R. Ford Presidential Library.

movement sweeping the globe.⁷⁴⁶ Even though it could not be called a women's conference—since official participants were governments— it was still the first intergovernmental meeting, where women formed part of virtually every delegation.⁷⁴⁷ Accordingly, it was also still the first to show or reveal women's political agency during the Cold War era which took different forms, including the refusal and the acceptance of women's activism within existing national and international institutions.⁷⁴⁸

The Conference would pay attention to matters such as 'political decision making, educational opportunities, economic opportunities, a different status in civil courts and all questions of maternity'.⁷⁴⁹ Importantly, the Mexico City meeting would also recommend to the GA the idea of launching the 'United Nations Women's Decade: 1975-1985' and a convening of a world conference to review midterm the progress made in implementing the objectives of Mexico and adjust as necessary.⁷⁵⁰

The Women's Conference was born out of pressures from the Women's movement in the US, and to a certain extent in the UK and West Germany.⁷⁵¹ Its purpose was: to promote equality between men and women; ensure the full participation of women in the total development effort; and recognize the importance

⁷⁴⁶ In, G Valladares, "The 1975 Mexico World Conference on Women", Origins: Current Events in Historical Perspective, Available at: <https://origins.osu.edu>

⁷⁴⁷ "International Women's Year, 1975", United Nations Audiovisual Library, 01 -January-1975-00:15:00, United Nations Multimedia, Available at: <https://unmultimedia.org>

⁷⁴⁸ C Bonfiglioli, "The First UN World Conference on Women (1975) as a Cold War Encounter: Recovering Anti-Imperialist, Non-Aligned and Socialist Genealogies", *FILozOFIJA I DRUŠTVO XXVII* (3), 2016, p.521.

⁷⁴⁹ "International Women's Year, 1975", United Nations Audiovisual Library, 01 -January-1975-00:15:00, United Nations Multimedia, Available at: <https://unmultimedia.org>

⁷⁵⁰ SJ Ruto, et.al, "Promises & Realities: Taking Stock of the Third UN International Women's Conference", African Centre for Technology Studies, Nairobi, Kenya, 2009, Available at: <http://www.awcfs.org>

⁷⁵¹ K Godsee, "Rethinking State Socialist Mass Women's Organisations: The Committee of the Bulgarian Women's Movement and the United Nations Decade for Women, 1975-1985", *Journal of Women's History*, Volume 24, No.4, 2012, p.51

of increasing the contribution of women to the development of friendly relations among states, to strengthen peace.⁷⁵²

The Conference was attended by 133⁷⁵³ government representatives. One hundred and thirteen of these delegations were women.⁷⁵⁴ The representatives of the office of the UN Secretariat also attended⁷⁵⁵, as well as those of other UN bodies and specialized agencies.⁷⁵⁶ The International Atomic Energy Agency (IAEA) was present in attendance.⁷⁵⁷

The governments of the Netherlands Antilles; Papua New Guinea; and Surinam were represented at the conference by observers.⁷⁵⁸ The UN Commission on Human Rights (UNCHR) was also represented at the Conference by an observer.⁷⁵⁹

In accordance with GA Resolution 3276 (XXIX) of 10 December 1974, the representatives of the following national liberation movements attended the

⁷⁵² MS McDougal, HD Lasswell & L Chen, "Human Rights for Women and World Public Order: The Outlawing of Sex-Based Discrimination," *Yale School of Legal Scholarship Repository*, Volume 1, Yale Law School, 1975, p.454.

⁷⁵³ For details about attendance for this Conference refer to Appendix V of this document.

⁷⁵⁴ "The World Conference on International Women's Year 19 June- 2 July 1975, Mexico City, Mexico: Background', Available: <https://www.un.org>

⁷⁵⁵ The representatives of the Office of the Secretariat were from the Department of Economic and Social Affairs (DESA); Division of Human Rights (DHR); Economic and Social Commission for Asia and the Pacific (ESCAP); Economic Commission for Latin America (ECLA); Economic Commission for Africa (ECA); Economic Commission for Western Asia (ECWA); UNEP; UNIDO; and Habitat: United Nations Conference on Human Settlements (UNCHS). *In*, *Yearbook of the United Nations*, New York, 1975, p.646.

⁷⁵⁶ The UN bodies represented at the Conference were: UNICEF; UNDP; United Nations Fund for Population Activities (UNFPA); UNITR; United Nations Research institute for Social Development (UNRISD); United Nations Social Defence Research Institute (UNSRDI); and WFP (joint United Nations/FAO Programme). *In*, *Yearbook of the United Nations*, New York, 1975, p.646.

⁷⁵⁷ The UN specialized agencies represented at the Conference were: ILO; FOA; UNESCO; ICAO; WHO; and the IBRD. *In*, *Yearbook of the United Nations*, New York, 1975, p.646.

⁷⁵⁸ *In*, "Attendance and Organization of Work," *Report of the World Conference of the International Women's Year*, Mexico City, 19 June -2 July 1975, United Nations, New York, 1976, p.122.

⁷⁵⁹ *Ibid*.

Conference as observers: the MPLA and FNLA; ANC; SWAPO; ANCZ; the MOLINCO; and the PLO.⁷⁶⁰

Eight intergovernmental organisations—the Commission of the European Communities (CEC), the Council for Mutual Economic Assistance (CMEA), the International American Commission on Women (IACW), the Inter-American Development Bank (IADB); the LAS, the OAU, and the Observatory of Economic Complexity (OEC).⁷⁶¹ In accordance with the ECOSOC decision 73 (LVIII), 114 non-governmental organisations also attended the Conference.⁷⁶²

The conference was convened by the Secretary-General of the UN and was opened by the President of Mexico, Luis Echeverria Alvarez.⁷⁶³ Following the opening address, the Conference elected Pedro Ojeda Paullada of Mexico as its President and Maria Groza of Romania as the Rapporteur-General.⁷⁶⁴

Then, the Conference elected 46 Vice-Presidents comprising Asian and African countries, from the following countries: Argentina; Bulgaria; Canada; China; Colombia; Cuba; Dominican Republic; Ecuador; France; Gabon; German Democratic Republic (Germany); Greece; Grenada; India; Indonesia; Italy; Ivory Coast; Japan; Kenya; Mauritius; New Zealand; Niger; Nigeria; Norway; Pakistan; Panama; Peru; Philippines; Poland; South Vietnam; Somalia; Sri Lanka; Sudan; Sweden; Syrian Arab Republic (Syria); Thailand; Tunisia; Ukrainian Soviet Socialist Republic; USSR; UK; U.S.; Venezuela; Yugoslavia; Zaire; and Zambia.⁷⁶⁵

⁷⁶⁰ *Ibid*, pp120-121.

⁷⁶¹ *In Yearbook of the United Nations*, New York, 1976, p.646.

⁷⁶² *Ibid*.

⁷⁶³ *In*, "Attendance and Organization of Work," *Report of the World Conference of the International Women's Year*, Mexico City, 19 June -2 July 1975, United Nations, New York, 1976, pp.120-121.

⁷⁶⁴ *Ibid*, p.121.

⁷⁶⁵ *Ibid*.

After electing the officers, the Conference established two committees. The purpose of these committees was to study the substantive items for the Conference's agenda.⁷⁶⁶ Committee I was chaired by Jean-Martin Cisse of Guinea, while Shapour Rassekh of Iran chaired Committee II.⁷⁶⁷

On 1 July 1975, Committee I of the Conference considered and approved without voting, a draft World Plan of Action (also known as the Declaration of Mexico on Equality of Women and Their Contribution to Development and Peace) on implementing the International Women's Year.⁷⁶⁸ This plan crystallised the past and present long-term objectives of the movements under the Conference's theme—Equality—Development—Peace.⁷⁶⁹

The Conference urged governments to establish short-term, medium, and long-term targets to implement the plan. At the global and regional levels, it recommended that 'the UN proclaim the decade of 1975 to 1985 as the UN decade for women and development to ensure that national and global action be sustained'.⁷⁷⁰

The purpose of the Plan was mainly to stimulate national and international action to solve the problems of underdevelopment and of the socio-economic structure which placed women in an inferior position, and to achieve the goals of International Women's Year.⁷⁷¹ It was designed to translate into practical reality, the principles of

⁷⁶⁷ "Election of officers other the President," *Report of the World Conference of the International Women's Year*, United Nations, New York, 1976, p.130.

⁷⁶⁸ "Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace", Available at: <http://www.un-documents.net>

⁷⁶⁹ *Ibid.*

⁷⁷⁰ "National Action," *Document E/CONF.66/34*, Report of the World Conference of the International Women's Year, Mexico City, 19 June -2 July 1975, United Nations, New York, 1976, p.2.

⁷⁷¹ "World Conference of the International Women's Year, Mexico City, 2 June -19 July 1975", Document E/CONF.66/5, Item 11 of the Provisional Agenda, United Nations, [in Hollins_Digital Commons](https://digitalcommons.hollins.edu), Available at: <https://digitalcommons.hollins.edu>

the Universal Declaration of Human Rights and the Declaration on the Elimination of Discrimination against Women.⁷⁷²

The Plan was composed of thirty principles. Principles 1-5 set up equality between men and women and defined the acquisition of full and equal rights and opportunities for women. These principles declared it was the responsibility of both the State and Non-governmental Organisations to see that all obstacles blocking women's equal status with men were removed and that people had equal responsibility to the family and in society.⁷⁷³

Principles 6-10 asserted that women should have opportunities for education, work, training, and other forms of personal/professional development equal to men, and that once granted, women have a responsibility to make full use of any opportunities available to them. In addition, these principles reaffirmed that restructuring economic relationships worldwide is needed to provide women with equal conditions and pay related to work. The principles also said that the cultural media should be central to removing any stigma against women and projecting a positive image of their value to society; and that the resources should be available so that women across the globe so that they could take part in national and international political communities.

Principles 11-17 addressed inequality, under-development, and the under-utilization of women in world economic systems and asserted that it was the responsibility of States to undertake transformations in social and economic policies. They affirmed that the respect for human dignity, the right to choose freely to marry or

⁷⁷² The Declaration on the Elimination of Discrimination against Women was adopted on 7 November 1967. By this Declaration, the world countries reaffirmed, their faith in the fundamental human rights, in the dignity and worth of human person and in the equal rights of men and women. In, J Symonides and V Volodin. *Human Rights of Women: A Collection of International and Regional Normative Instruments*, UNESCO, France 1999, p.19.

⁷⁷³ "Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace", Available at: <http://www.un-documents.net>

have children, and access to better qualities of life were rights to which men and women should be equally entitled.⁷⁷⁴

Principles 18-23 stated that the present state of international economic structures did not allow for the full advancement of developing countries and, therefore, it was essential to adopt the New International Economic Order; that States should promote economic and social progress in all countries so that they could participate in the international community and uphold principles of national sovereignty and equality of States; and that the nations had a responsibility to promote development opportunities for all women within their borders.⁷⁷⁵

Principles 24-26 declared that women had a vital role to play in peace across the world and in all aspects of life, including family, community, nation, and international cooperation; and that both women and men should seek to promote international collaboration by removing racial discrimination, colonialism, foreign occupation, and apartheid.⁷⁷⁶

Principles 27-30 declared that women, in solidarity with each other, should protest violations of human rights condemned by the United Nations, including human rights violations typically associated with women, such as prostitution, rape, child marriage, forced marriage, and physical assault; and that the maintenance of peace required that women and men rejected any State intervention in the internal affairs of another State and should work towards complete disarmament under international control.⁷⁷⁷

In addition, the Conference also adopted thirty-five (35) resolutions supplementing the World Plan of Action. These resolutions dealt with a variety of

⁷⁷⁴ *Ibid.*

⁷⁷⁵ *Ibid.*

⁷⁷⁶ *Ibid.*

⁷⁷⁷ *Ibid.*

issues concerning women. For instance, by the resolution on the status of women in South Africa, Namibia, and Zimbabwe, the conference vigorously condemned the minority regimes of South Africa, Namibia, and Zimbabwe for their obstinate policy of oppression and contempt for the efforts of the UN and patience of the international community.⁷⁷⁸

The Conference, further, expressed its support for the oppressed inhabitants of South Africa, Namibia, and Zimbabwe in their national struggle for the total eradication of Apartheid; and also, invited the Secretary-General of the UN and all the UN specialized agencies to initiate studies on the influence of Apartheid on the status of women and to present a report to the GA's Special Committee on Apartheid and the Commission on the Status of Women.⁷⁷⁹

The Conference, furthermore, urged all states, UN organisations, and intergovernmental and non-governmental organisations to support the inhabitants of Southern Africa by adopting measures, including implementing UN resolutions bearing on the elimination of racism, Apartheid, racial discrimination; and the liberation of inhabitants under colonial domination and alien subjugation.⁷⁸⁰

The Conference, therefore, appealed to all States to provide full support and assistance, morally and materially, for the victims of Apartheid and racial discrimination and the national liberation movements.⁷⁸¹

⁷⁷⁸ "Resolutions and Decisions adopted by the Conference: The Status of Women in South Africa, Namibia and Southern Rhodesia," in Document E/CONF.66/34, *Report of the International Women's Year, Mexico City, 19 June- 2 July 1975*, United Nations, New York, 1976, p.75.

⁷⁷⁹ *Ibid*, pp.75-76.

⁷⁸⁰ *Ibid*, p.76.

⁷⁸¹ *Ibid*.

5.3 Conclusion

This chapter focussed on the effects for representation of national liberation movements at the UN. One major finding of the chapter is that the admission of the movements into the UN system resulted in the world body acknowledging them as partners in global matters. As discussed, the UN acknowledged the role of liberation movements by inviting, alongside member States, representatives of the movements to participate regularly in the conferences organised under its auspices, alongside the member States. As illustrated, the liberation movements participated in the First Session UN Diplomatic Conference on the Reaffirmation and Development of IHL (1974); the UN Conference on the Representation of State Relations with International Organisations (1975); and the World Conference on International Women's Year (1975). As discussed, it was the OAU-recognised national liberation movements that participated in those conferences— the FNLA and MPLA; SWAPO; ZAPU, and ZANU; FRELIMO; ANC, and PAC.

CHAPTER 6: SUMMATIVE EVALUATION OF THE STUDY AND CONCLUSION

Indeed, the UN is one of the international forums in which leaders of the revolutionary or national liberation movements have been represented. Utilising a wide-range of sources—primary and secondary, this thesis has sought to analyse the representation of Southern African national liberation movements at the UN, from 1962 to 1975. The study focused primarily on the practise for the movements' representation at UN; UN reaction and respond to the movements' representation over time; role of the OAU on the representation of the movements at the UN; and the effects of the representation of the movements at the UN. In so doing, this thesis has gone beyond the current historiography on national liberation movements, in a number of ways. To begin with, there have been no studies which have approached the representation of national liberation movements at the UN through an analysis of their activities as a single entity on the international political plane through to the independence and freedom of their countries and people. The central purpose of this study has been to provide fresh insights into the role of national liberation movements in the UN. In part, it has done so by breaking from the tendency in the current literature to treat the disjointed, regional liberation movements' involvement with the UN. This has meant that important themes in African history have been overlooked. One key consequence of this tendency has been that of ignoring or neglecting the role of national liberation movements of the region, as a single entity, in the UN. By taking a 'long view' of the activities of these movements at that level, this study has provided a framework to link or weave together their previously disjointed history. Although the subject of national liberation movements has attracted a huge scholarly interest, the perspective provided in this thesis has shed new light on germination of the seed for representation of the movements of the region in international institutions, particularly at the UN. Furthermore, by analysing activities of the national liberation movements at the international level, the overview provided here allows for a deeper comprehension of their strategies for mobilisation of aid and support; their diplomatic battles; international community's feelings towards them; as well as their role on the international political plane in general.

Chapter two of the study dealt with practise for the representation of the national liberation movements at the UN. The chapter has revealed that there were no explicit provisions or pertinent rules of procedure for representation of national liberation movements during the formative years of the UN. It has also noted that the rules and procedures for representation of the liberation movements at the UN evolved out of the authorising decisions of the GA and ECOSOC. The chapter has illustrated, *Inter alia*, that the practice was that the representatives of liberation movements were invited through the OAU, and invitations were transmitted by the Secretary-General after the decision to invite them had been taken by the relevant GA organ or committee. It has also revealed that, such practice arose primarily from the UN GA organs or committees—the Fourth Committee of the GA; the Special Committee on Independence; the UN Council for Namibia and the ECA. It has, further, shown that it was the FRELIMO; ZAPU and ZANU; MPLA and FNLA; SWAPO Namibia; and ANC and PAC that were represented in those committees and organs.

Chapter Three of study focussed on the UN reaction and response to the representation of the national liberation movements over time. The chapter has shown that the international community reacted and responded to the representation of the national liberation movements by acknowledging their role in the decolonisation process. It has also revealed that the role was expressed through the UN GA's decisions that offered international aid and support to the liberation movements. It has also noted that the UN took those decisions in consultation and cooperation with the OAU. The chapter further illustrated that the necessary arrangements for the liberation movements to take part in the UN proceedings and deliberations were funded by the GA, through the Secretary-General. It has, moreover, showed that the GA's decisions and the voting thereof, especially those that were adopted during the period between 1965 and 1974, explicitly endorsed the national liberation movements as key partners in its deliberations and discussions on decolonisation in general.

Chapter Four of the study concerned the role of the OAU in the representation of national liberation movements at the UN. The chapter has revealed that it was

because of threat to African peace and security; violation of inalienable rights; and opposition to the principles of self-determination and independence resulting from apartheid and colonialism, that the OAU decided to assist to assist and support the national liberation movement in Africa—thereby contribution to the representation at the UN. It has also illustrated that the movements were those in Namibia, Zimbabwe, Angola, Mozambique, and South Africa; and revealed that the OAU supported the liberation movements diplomatically. The chapter, has further, that the OAU recognised the national liberation movements as authentic representatives of colonial countries. Moreover, it has noted the extent of OAU decisions on support and aid for the liberation movements. The chapter has, in addition, revealed that it was the Executive Council (Council of Ministers and the Assembly of Heads of State and Government)'s decisions on the assistance and support for the liberation movements which contributed to the movements' representation at the UN.

The Fifth Chapter concerned the effects for representation national liberation movements at the UN. It has revealed that the liberation movements' admission resulted in their increased international recognition and involvement with the world body. The chapter has also noted that the increased international recognition of the national liberation movements was acknowledged when the UN invited the OAU-recognised movements to participate on regular basis in the conferences organised under its auspices. It, has further, noted that the FNLA and MPLA (Angola); SWAPO (Namibia); ZAPU, and ZANU (Zimbabwe); FRELIMO (Mozambique); ANC and PAC (South Africa) that were represented in the UN Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts [IHL] (1974); the UN Conference on the Representation of State Relations with International Organisations (1975); and the World Conference on International Women's Year (1975). The chapter has, further revealed that the statements or proposals and amendments made or submitted by delegations of the national liberation movements were circulated by the conferences as their documents.

Representation of Southern African national liberation movements at the UN held effects for international politics, law, and relations. Yet, effects for their representation are reflected in current literature. There has been a tendency in the historiography to focus on individual liberation movements' involvement with the UN, rather than discussions focussing on the movements as a single entity on the international political plane. Such an approach ignores the direct relevance of events or phenomena that preceded the independence and freedom of the people in colonial countries. Further, the collective legacy and experiences of the representatives of liberation movements' international life also had an influence on the formulation and implementation of the post-independence and post-freedom African foreign and domestic policies. This thesis goes beyond the current historiography by bringing a new perspective arguing that there has been an oversight on activities of national liberation movements of the Southern Africa region, as a single entity in international organisations, the UN in this regard. Specifically, the thesis answers the following questions: What was the practice for representation of national liberation movements at the UN? How did the UN react and respond to the representation of national liberation movements over time? What was the OAU role in the representation of national liberation movements at the UN? Most importantly, what were the effects for representation of national liberation movements at the UN? The purpose of this conclusion is to tentatively suggest an answer. Several theoretical cases may be made in favour of the effects of the representation of national liberation movements at the UN. For instance, it could be done through an examination of the international community recognition of the national liberation movements. Recognition of the national liberation movements was crafted by the OAU. It required a minimum level of effectiveness and representation of the movement concerned, before UN acceptance and to exclude in practice 'secessionist movements' while ascertaining their representativeness.⁷⁸² However, the OAU practices for recognition showed high levels of subjectivity within its criteria, notably

⁷⁸²K Mastorodimos, "National Liberation Movements: Still a valid concept (with Special Reference to International Law)? Armed Non-State Actors in International Humanitarian and Human Rights Law Foundation and Framework of Obligations, and Rules on Accountability", *Oregon Review of International Law*, Volume 17, No.1, 2015, p.79.

the representativeness of the liberation movements and the degree of effectiveness with regard to the existence of armed struggle. Some of the recognised movements were in fact, not engaged in any armed struggle.⁷⁸³

Despite that, the OAU recognitions were ‘readily’ and ‘incontestably’⁷⁸⁴ accepted by the UN GA. For instance, and as highlighted earlier, the Assembly in its resolutions, recognised the national liberation movements Angola, Guinea-Bissau and Cape Verde, Mozambique, Zimbabwe, Namibia, and South Africa as the ‘authentic representative of the peoples’ of those territories. In fact, many States even recognised the national liberation movements and allowed them to establish official representation in their territory and provided them with moral and material assistance.⁷⁸⁵

Recognition by UN of the liberation movements as ‘legitimate representatives’ of the people did not amount to the recognition of government. But, it allowed them certain level of protection under international law; enabled them to purchase of weapons and other equipment; gave them access to financial resources; and strengthened possible reparation claims for damages they suffered during the civil war.⁷⁸⁶ According to Amechi Uchegbu, the foundation and recognition of the liberation movements were themselves a creation of states exercising their sovereign rights—thereby making them assume international obligation, albeit in their mutual relations.⁷⁸⁷ Although it was declaratory with regard to its purpose, recognition of the national liberation movements was also constitutive with regard to its outcomes.⁷⁸⁸

⁷⁸³*Ibid.*

⁷⁸⁴*Ibid.*

⁷⁸⁵EU Olalia “The Status in International Law of National Liberation Movement”, *International Association of People's Lawyers*, Annual Board Meeting of the IAPL in Antwerp, Belgium, November 2004, p.13.

⁷⁸⁶W Czaplinski, “Recognition and International Legal Personality of Non-State Actors”, *Pécs Journal of International and European Law*, No.1, 2016, p.14.

⁷⁸⁷A Uchegbu, “Armed Struggle for National Liberation and International Law,” The University of Dar es Salaam, Available at: <https://journal.udsm.ac.tz>

⁷⁸⁸K Mastorodimos, “National Liberation Movements: Still a valid concept (with Special Reference to International Law)? Armed Non-State Actors in International Humanitarian and Human Rights Law:

The UN admitted the liberation movements as ‘quasi-governmental’ organisations, while regional organisations such as the OAU admitted them as ‘states’⁷⁸⁹ or *proto states*.⁷⁹⁰ This implied that the representatives of the movements were permitted to represent those people at the international level, even though they were not in control of the territory.⁷⁹¹

The quasi-recognition of the liberation movements enhanced their diplomatic status. This would be given substance by the UN Conference on the Representation of States in their Relations with International Organizations (1975), and the final act of the Conference which called upon the GA to examine the general question of observer status of the movements.⁷⁹²

Some observed that recognition by the UN of the national liberation movements was an anathema to the traditional legal mind because of the possibility that a revised code of international procedure could emerge as far as global affairs were concerned.⁷⁹³ Others observed that recognition within UN and in State practice of the liberation movements altered the traditional distinction between internal conflict and international conflict in that it extended the scope of international humanitarian law.⁷⁹⁴

Foundation and Framework of Obligations, and Rules on Accountability,” *Oregon Review of International Law*, Volume 17, No.1, 2015, p.81.

⁷⁸⁹K Mastorodimos, “National Liberation Movements: Still a valid concept (with Special Reference to International Law)? Armed Non-State Actors in International Humanitarian and Human Rights Law: Foundation and Framework of Obligations, and Rules on Accountability”, *Oregon Review of International Law*, Volume 17, No.1, 2015, p.87.

⁷⁹⁰E Suy, “New Players in International Relations,” *Transnational Associations*, Volume 3, 2002, p.166.

⁷⁹¹D Jadarian, International Humanitarian Law’s Applicability to Armed Non-State Actors,” *A Graduate Paper*, University of Stockholm, 2007, p.6.

⁷⁹²SR Silverburg, “The Palestine Liberation Organization in the United Nations: Implications for International Law and Relations”, *Israel Law Review*, Volume 12, No.3, 1977, p.382.

⁷⁹³RK Lal Panjabi, “International Law and the Use of Force by National Liberation Movements”, Book Review, in *Denver Journal of International Law and Policy*, Volume 18, No.1, Article 8, Fall 1989, p.143.

⁷⁹⁴PR Prize, “International Law and the Use of Force by National Liberation Movements”, Books and Reviews, International Committee of the Red Cross (ICRC), 1988, Available at: <https://international-review.icrc.org>

Further, the national liberation movements' recognition reflected developments in the new international legal order of the last half of the twentieth century in which the right to self-determination had become entrenched in the *Jus cogens*, basic, fundamental, imperative, or overriding rules of international law, peremptory norms which could not be set aside by treaty or acquiescence but only by the formation of a subsequent norm of contrary effect.⁷⁹⁵

Moreover, recognition by UN bodies of the national liberation movements meant that the struggle against colonialism and apartheid in Southern Africa was legitimate as far as the purposes and principles of the Charter and other declarations were concerned.⁷⁹⁶ The UN recognition of the national liberation movements resembled recognition of government in line with its legitimacy⁷⁹⁷ or a government-in-exile⁷⁹⁸, in the event of total lack of territorial control.⁷⁹⁹ But, it differed substantially from classic forms of recognition in international law.⁸⁰⁰

Despite that, UN recognition of the liberation movements was significant for their legal standing. The recognised movements, therefore, had the ability to possess 'limited' legal personality and would possess certain rights and obligations under international law, with violations of those international duties and obligations resulting in legal consequences at the international level.⁸⁰¹ It gave them a legal capacity to

⁷⁹⁵L Berat, "Namibia: The Road to Independence and The Problem of Succession of States," *Journal of Political Science*, Volume 18, No.1, Article 10, November 1990, p.40

⁷⁹⁶Y El-Ayouty, "Legitimization of National Liberation: The United Nations and Southern Africa," *International Organization*, Issue 2, No.4, Winter 1972, p.2.

⁷⁹⁷MS Guzel, "An Internationally Recognised National Liberation Movements-TMT", *ZFWT*, Volume 11, No.2, 2019, p127.

⁷⁹⁸*Ibid.*

⁷⁹⁹*Ibid.*

⁸⁰⁰K Mastorodimos, "National Liberation Movements: Still a valid concept (with Special Reference to International Law)? Armed Non-State Actors in International Humanitarian and Human Rights Law: Foundation and Framework of Obligations, and Rules on Accountability", *Oregon Review of International Law*, Volume 17, No.1, 2015, p.80.

⁸⁰¹H Tervona, "Self-Determination, National Liberation Movements and the Use of Force", *Durham E-Theses, Master of Jurisprudence*, Department of Law, Durham University, 2007, p.32.

use force and apply the international law in the national liberation conflicts, in contrast to terrorist organisations.⁸⁰²

The national liberation movements 'legal capacity to use force was unanimously accepted but was not met with universal agreement because it was only recognised by newly independent States and socialist countries, while countries faced with such conflicts did not so.⁸⁰³ Despite this, the use of force by liberation movements to gain self-determination and independence became legal in terms of in international law.⁸⁰⁴

The GA granted the OAU recognised national liberation movements an observer status in its proceedings and deliberations on colonial matters. It also allowed representatives of the liberation movements to participate on a regular basis in the conferences organized under UN auspices. Accordingly, this was in keeping with the demands of the people struggling for national liberation, and with the practical conduct of their activities in the UN and other organisations.⁸⁰⁵

Granting the national liberation movements an observer status and the associated opportunities, privileges, and immunities (e.g. enjoying status of a head of state) also became a reasonable product of the practical need for the people struggling for their liberation to take part in the activities of the UN and other universal-membership

⁸⁰² *Ibid.*

⁸⁰³ PR Prize, "International Law and the Use of Force by National Liberation Movements", Books and Reviews, International Committee of the Red Cross (ICRC), 1988, Available at: <https://international-review.icrc.org>

⁸⁰⁴ N Higgins, "The Approach of International Law to Wars of National Liberation", *Monograph 3*, Martin Monograph Series, The Martin Institute, University of Idaho, 2004, p.30.

⁸⁰⁵ "Observer Status of National Liberation Movements Recognised by the OAU and/or League of Arab States," Report of the Secretary-General, *Document: A/41/534*, Item 124 of the Provisional Agenda, Forty-First Session, United Nations General Assembly, 8 September 1986, p.6.

international bodies.⁸⁰⁶ Such status also signified the limited legal personality of the national liberation movements.⁸⁰⁷

Also, by granting the liberation movements the status of observers, the Assembly recognised them as responsible representatives of the peoples in their respective territories and through them recognising the right which those people had to form an independent state.⁸⁰⁸

The observer status, privileges, and immunities, in turn, gave the national liberation movements much greater access to the UN. All these were not purely symbolic because over the years liberation movements had made an important contribution to the formulation of UN policy not only in matters directly concerning decolonisation, but also in more general social and economic matters.⁸⁰⁹

The national liberation movements were thus, also able to participate in the deliberations and proceedings of other UN organs, as well as the SC. For instance, under its rules of procedure, the ECOSOC had, since 1969, invited the OAU-recognised national liberation movements to participate, without the right to vote, in its deliberations on matters of particular concern to those movements.⁸¹⁰

In 1972, the SC extended an invitation to certain individuals who were also members of the national liberation movements to participate in its work.⁸¹¹ Those persons included, among others: Amilcar Cabral (PAIGC); Peter Mushihange

⁸⁰⁶*Ibid*, p.7.

⁸⁰⁷H Tervona, "Self-Determination, National Liberation Movements and the Use of Force", *Durham E-Theses, Master of Jurisprudence*, Department of Law, Durham University, 2007, p.31.

⁸⁰⁸J Faundez, "International Law and Wars of National Liberation: Use of Force and Intervention", HeinOnline, Available at: <https://heinonline.org>

⁸⁰⁹*Ibid*.

⁸¹⁰"Participation of National Liberation Movements: Rule 73", *Document 5715/Rev.2*, Rules of Procedure of the Economic and Social Council, United Nations, New York, 1992, p.28.

⁸¹¹"Consideration of the Questions under the Council's Responsibility for the Maintenance of International Peace and Security", *Repertoire of the Practice of the Security Council: Supplement 1972-1974*, p.92, United Nations Library, Available: <https://www.un-library.org>

(SWAPO); M. Luvalo and M. Santos (FRELIMO); Potlako Leballo (PAC); Alfred Nzo (ANC, South Africa) and George Silundika (ZAPU).⁸¹²

In 1973, the Human Rights Commission (HRC), one of the ECOSOC's organs, recommended the extension of moral and material assistance to the liberation movements and the liberated territories and their populations on a full scale.⁸¹³ Other specialized agencies and UN-related organisations, such as UNESCO; the Food and Agricultural Organisation (FAO); the World Health Organisation (WHO); and the International Labour Organisation (ILO), also adopted the GA's policies relating to the liberation movements.⁸¹⁴

In 1974, the GA invited as observers on a regular basis representatives of national liberation movements recognised by the OAU to participate in the relevant work of its main committees and its subsidiary organs, as well as in meeting, seminars and conferences⁸¹⁵, held under the auspices of the UN whenever they related to their countries—including the necessary arrangements for their effective participation such as requisite financial provisions.

In 1975, the UNDP established a National Liberation Trust Fund⁸¹⁶, a development which coincided with the independence of Angola and Mozambique from Portuguese colonial rule. This Fund would be utilised by the remaining dependant territories in Southern Africa (Zimbabwe, Namibia and South Africa), until their independence. The National Liberation Trust Fund was administered in close collaboration with the OAU

⁸¹²*Ibid.*

⁸¹³“Resolution 19 (XXIX)—Report of the Ad Hoc Working Group of Experts”, in Commission on Human Rights: Report on the Twenty-Ninth Session, 26 February – 6 April 1973, *Document E/CN.4/1127*, Supplement No.6, United Nations, New York, 1973, pp.82-85.

⁸¹⁴In, M Shaw, “The International Status of the National Liberation Movements,” *The Liverpool Law Review*, Volume 1, 1983, p.25.

⁸¹⁵*For details regarding some of these conferences, refer to Chapter 5 of this research thesis.*

⁸¹⁶“Assistance Fund for the Struggle against Colonialism and Apartheid”, in Elimination of all forms of Racial Discrimination: Decade for Action to Combat Racism and Racial Discrimination, Document A/31/236, *Agenda Item 69 (a)*, Report of the Secretary-General, United Nations General Assembly, Thirty-First Session, 4 October 1976, pp.1-2.

and the host governments of the countries where the national liberation movements were based. Part of the assistance to refugees from the colonial territories granted by the United Nations High Commissioner of Refugees (UNHCR) was also channelled through liberation movements recognised by the OAU.⁸¹⁷

By emphasising the representation of Southern African national liberation movements at the UN, and by treating and or prioritising the movements as a single entity, in their involvement with the entire system of the organisation, this thesis has provided an analysis of the liberation movements' role on the international political plane. As in so much else, representation of the national liberation movements on the international political plane will remain to be one of the hot topics and one which offers a meeting point for the fields of politics, law, and relations. This meeting point started to emerge in 1962 when the GA, through the Special Committee of 24, decided to implement the 1960 Declaration on Decolonisation. By 1975, a precedent and a major change were established as far as the representation of Southern African national liberation movements at the UN was concerned.

⁸¹⁷In, "Activities of the World Health Organisation with regard to assistance to Liberation Movements in Southern Africa, pursuant to the General Assembly Resolution 2918 (XXVII) and ECOSOC Resolution 1804 (LV)", Document A28/24, *Agenda Item 3.16.2*, Report of the of the Director-General, World Health Organisation: Twenty-Eighth Session, World Health Organisation Library, 18 April 1975, pp.1-2.

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Appendix I

Voting Patterns on General Assembly Resolutions

GA Resolution 2105 (XX), 20 December 1965

In favour:

Afghanistan, Albania, Algeria, Argentina, Bolivia, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Central African Republic, Chad, Chile, Colombia, Congo (Brazzaville), Democratic Republic of the Congo, Cuba, Cyprus, Czechoslovakia, Ethiopia, Gabon, Ghana, Greece, Guinea, Haiti, Hungary, India, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Laos, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Tunisia, Turkey, Ukrainian SSR, USSR, United Arab Republic, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against:

Australia, New Zealand, Portugal, South Africa, United Kingdom, United States.

Abstaining:

Austria, Belgium, Brazil, Canada, China, Costa Rica, Denmark, Dominican Republic, El Salvador, Finland, France, Guatemala, Honduras, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Paraguay, Philippines, Spain, Sweden, Trinidad, and Tobago.

GA Resolution 2189 (XXI), 13 December 1966

In favour:

Afghanistan; Albania; Algeria; Argentina, Bolivia; Bulgaria; Burma; Byelorussian SRR; Cameroon; Central African Republic; Ceylon; Chile; Colombia; Democratic Republic of the Congo; Cuba; Czechoslovakia; Dahomey; Dominican Republic Ethiopia; Gabon; Ghana; Greece; Guatemala; Guinea; Guyana; Haiti; Hungary; India; Indonesia; Iran; Iraq; Ivory Coast; Jamaica; Jordan; Kenya; Kuwait; Liberia; Libya; Madagascar; Malaysia; Mali; Mauritania; Mongolia; Morocco; Nicaragua; Niger; Nigeria; Pakistan; Paraguay; Peru; Philippines; Poland; Romania; Rwanda; Saudi Arabia; Senegal; Sierra Leone; Singapore; Somalia; Spain; Sudan; Syria; Thailand; Togo; Tunisia; Turkey; Ukrainian SSR; USSR; United Arab Republic; United Republic of Tanzania; Upper Volta; Uruguay; Venezuela; Yemen; Yugoslavia; and Zambia.

Against:

Australia; Malta; New Zealand; Portugal; South Africa; United Kingdom; and the United States.

Abstaining:

Austria; Belgium; Brazil; Canada; China; Denmark; El Salvador; Finland; France; Iceland; Ireland; Israel; Italy; Japan; Luxemburg; Malawi; Mexico; Netherlands; Norway; and Sweden.

GA Resolution 2326 (XXVII), 16 December 1967

In favour:

Afghanistan; Algeria; Argentina; Barbados; Bolivia; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Ceylon; Chad; Chile; China; Congo (Brazzaville); Democratic Republic of the Congo; Cuba; Cyprus; Czechoslovakia; Dahomey; Ecuador; Ethiopia; Gabon; Gambia; Ghana; Greece; Guatemala; Guinea; Guyana; Honduras; Hungary; India; Indonesia; Iran; Iraq; Ireland; Israel; Ivory Coast; Jamaica; Kenya; Kuwait; Lebanon; Liberia; Libya; Madagascar; Malaysia; Maldives Islands; Mali; Mauritania; Mexico; Mongolia; Morocco; Nepal; Nicaragua; Niger; Nigeria; Panama; Peru; Philippines; Poland; Romania; Senegal; Sierra Leone; Singapore; Spain; Sudan; Syria; Thailand; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; Ukrainian SSR; USSR; United Arab Republic; United Republic of Tanzania; Upper Volta; Uruguay; Venezuela; Yemen; Yugoslavia; and Zambia.

Against:

Portugal and South Africa.

Abstaining:

Australia; Austria; Brazil; Canada; Denmark; Finland; France; Iceland; Italy; Japan; Malawi; Netherlands; New Zealand; Norway; Sweden; the United Kingdom and the United States.

General Assembly Resolution 2621 (XXV), 12 October 1970

In favour:

Afghanistan; Algeria; Argentina; Barbados; Bolivia; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Ceylon; Chile; China; Colombia; Costa Rica; Cuba; Cyprus; Czechoslovakia; Dahomey; Ecuador; Ethiopia; Gabon; Gambia; Ghana; Greece; Guatemala; Guinea; Guyana; Haiti; Hungary; India; Indonesia; Iran; Iraq; Ireland; Israel; Ivory Coast; Jamaica; Jordan; Kenya;

Kuwait; Laos; Lebanon; Liberia; Libya; Madagascar; Malaysia; Mali; Mauritania; Mexico; Mongolia; Morocco; Nepal; Nicaragua; Niger; Nigeria; Pakistan; Panama; Paraguay; People's Republic of Congo; Peru; Philippines; Poland; Romania; Rwanda; Saudi Arabia; Senegal; Sierra Leone; Singapore; Somalia; Sudan; Syria; Thailand; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; Ukrainian SSR; USSR; United Arab Republic; United Republic of Tanzania; Upper Volta; Uruguay; Venezuela; and Yugoslavia.

Against:

Australia; New Zealand; South Africa; United Kingdom; and United States.

Abstaining:

Austria; Belgium; Canada; Denmark; Finland; Iceland; Italy; Japan; Luxembourg; Malawi; Netherlands; Norway; Spain; Swaziland; and Sweden.

GA Resolution 2704 (XXV), 14 December 1970

In favour:

Algeria; Barbados; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Central African Republic; Ceylon; Chile; China; Colombia; DRC; Costa Rica; Cyprus; Czechoslovakia; Dominican Republic; Ecuador; Equatorial Guinea; Ethiopia; Gabon; Gambia; Honduras; Hungary; India; Indonesia; Iran; Iraq; Israel; Ivory Coast; Jamaica; Jordan; Kenya; Khmer Republic; Kuwait; Laos; Lebanon; Liberia; Libya; Madagascar; Malaysia; Mali; Mauritania; Mauritius; Mexico; Mongolia; Morocco; Nepal; Nicaragua; Niger; Nigeria; People's Democratic Republic of Yemen; Peru; Philippines; Poland; Romania; Saudi Arabia; Sierra Leone; Singapore; Somalia; Sudan; Syria; Thailand; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; Ukrainian SSR; USSR; United Arab Republic; United Republic of Tanzania; Upper Volta; Uruguay; Venezuela; Yugoslavia and Zambia.

Against:

Portugal; South Africa; UK and the US.

Abstaining:

Argentina; Australia; Austria; Belgium; Brazil; Canada; Denmark; Finland; France; Ireland; Italy; Japan; Luxemburg; Malawi; Netherlands; New Zealand; Norway; Panama; Paraguay; Spain; and Sweden.

GA Resolution 2708 (XXV), 14 October 1970

In favour:

Afghanistan; Albania; Algeria; Argentina; Barbados; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Central African Republic; Ceylon; Chad; Chile; Colombia; Democratic Republic of Congo; Costa Rica; Cuba; Cyprus; Czechoslovakia; Dahomey; Dominican Republic; Ecuador; Equatorial Guinea; Ethiopia; Fiji; Ghana; Greece; Guatemala; Guinea; Guyana; Haiti; Honduras; Hungary; India; Indonesia; Iran; Iraq; Ivory Coast; Jamaica; Jordan; Kenya; Khmer Republic; Kuwait; Laos; Lebanon; Liberia; Libya; Madagascar; Mali; Mauritania; Mauritius; Mexico; Mongolia; Morocco; Nepal; Nicaragua; Nigeria; Pakistan; Panama; Paraguay; People's Democratic Republic of Yemen; People's Democratic of Congo; Peru; Philippines; Poland; Romania; Rwanda; Saudi Arabia; Senegal; Sierra Leone; Singapore; Somalia; Sudan; Swaziland; Syria; Thailand; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; Ukrainian SSR; USSR; United Arab Republic; United Republic of Tanzania; Upper Volta; Uruguay; Venezuela; Yemen; Yugoslavia; and Zambia.

Against:

Australia; Portugal; South Africa; United Kingdom; and the United States of America.

Abstaining:

Austria; Belgium; Botswana; Brazil; Canada; China; Denmark; Finland; Iceland; Ireland; Israel; Italy; Japan; Lesotho; Luxemburg; Malawi; Netherlands; New Zealand; Norway; Spain; and Sweden.

GA Resolution 2787 (XXVI), 6 December 1971

In favour:

Afghanistan; Albania; Algeria; Bahrain; Botswana; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Central African Republic; Ceylon; Chad; Chile; China; Congo; Cuba; Cyprus; Czechoslovakia; Ecuador; Egypt; Equatorial Guinea; Ethiopia; Gabon; Ghana; Greece; Guatemala; Guinea; Guyana; Honduras; Hungary; India; Indonesia; Iran; Iraq; Ivory Coast; Jordan; Kenya; Kuwait; Lebanon; Libyan Arab Republic; Malaysia; Mali; Malta; Mauritania; Mexico; Mongolia; Morocco; Nepal; Niger; Nigeria; Oman; Pakistan; People's Democratic Republic of Yemen; Peru; Poland; Qatar; Romania; Rwanda; Saudi Arabia; Senegal; Sierra Leone; Singapore; Somalia; Sudan; Syrian Arab Republic; Togo; Tunisia; Turkey; Uganda; Ukrainian SSR; USSR; United Republic of Tanzania; Yemen; Yugoslavia; and Zambia.

Against:

Belgium; France; Israel; Luxemburg; Netherlands; New Zealand; Portugal; UK; and US.

Abstaining:

Argentina; Austria; Barbados; Brazil; Canada; Colombia; Costa Rica; Dahomey; Denmark; Dominican Republic; Finland; Gambia; Iceland; Ireland; Italy; Jamaica; Japan; Laos; Lesotho; Liberia; Madagascar; Malawi; Nicaragua; Norway; Panama; Paraguay; Philippines; Spain; Swaziland; Sweden; Thailand; Uruguay; and Venezuela.

General Assembly Resolution 2795 (XXVI), 10 December 1971

In favour:

Albania; Algeria; Australia; Austria; Bahrain; Barbados; Botswana; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Canada; Central African Republic; Ceylon; Chad; Chile; Colombia; Congo; Cuba; Cyprus; Czechoslovakia; Dahomey; Denmark; Dominican Republic; Ecuador; Egypt; Equatorial Guinea; Ethiopia; Fiji; Finland; Gabon; Gambia; Ghana; Greece; Guatemala; Guyana; Haiti; Honduras; Hungary; Iceland; India; Indonesia; Iran; Iraq; Ireland; Israel; Ivory Coast; Jamaica; Japan; Jordan; Kenya; Khmer Republic; Kuwait; Laos; Lesotho; Liberia; Libyan Arab Republic; Madagascar; Malaysia; Mali; Mauritania; Mexico; Mongolia; Morocco; Nepal; Netherlands; New Zealand; Nicaragua; Niger; Nigeria; Norway; Oman; Pakistan; Panama; People's Democratic Republic of Yemen; Peru; Philippines; Poland; Qatar; Romania; Rwanda; Saudi Arabia; Senegal; Singapore; Somalia; Sudan; Sweden; Syrian Arab Republic; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; Ukrainian SSR; USSR: United Republic of Tanzania; Upper Volta; Uruguay; Venezuela; Yemen; Yugoslavia; Zaire; Zambia.

Against:

Brazil; Costa Rica; France; Portugal; South Africa; Spain, United Kingdom; and United States.

Abstaining:

Argentina; Belgium; El Salvador; Italy; and Malawi.

General Assembly Resolution 2878(XXVI), 20 December 1971

In favour:

Afghanistan; Albania; Algeria; Bahrain; Bolivia; Botswana; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Central African Republic; Ceylon; Chad; Chile; China; Colombia; Cuba; Cyprus; Czechoslovakia; Dominican Republic; Ecuador; Egypt; El Salvador; Ghana; Greece; Guatemala; Guinea; Guyana; Hungary; India; Indonesia; Iran; Iraq; Ivory

Coast; Jamaica; Jordan; Kenya; Kuwait; Lebanon; Libyan Arab Republic; Malaysia; Mali; Mauritania; Mexico; Mongolia; Morocco; Nepal; Niger; Nigeria; Pakistan; Democratic Republic of Yemen; Peru; People's DRC; Peru; Poland; Qatar; Romania; Rwanda; Saudi Arabia; Senegal; Senegal; Sierra Leone; Singapore; Somalia; Sudan; Syrian Arab Republic; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; Ukrainian SSR; USSR; United Arab Emirates, United Republic of Tanzania; Yemen; Yugoslavia; and Zambia.

Against:

Australia; Belgium; France, Israel; Italy; Luxemburg; Netherlands; New Zealand; Nicaragua; Portugal, South Africa, UK of Great Britain; Northern Ireland; and US.

Abstaining:

Argentina; Austria, Barbados; Brazil, Canada, Colombia; Costa Rica; Dahomey; Denmark, Ethiopia; Finland Gambia; Ireland Jamaica; Japan; Laos; Lesotho; Liberia; Madagascar; Malawi; Norway; Panama; Philippines; Spain; Sweden; Uruguay; and Venezuela

General Assembly Resolution, 2 November 1972

In favour:

Afghanistan; Albania; Algeria; Argentina; Bahrain; Barbados; Bhutan; Bolivia; Botswana; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Central African Republic; Chad; Chile; Colombia; Congo; Cuba; Cyprus; Czechoslovakia; Dahomey; Democratic Yemen; Dominican Republic; Ecuador; Egypt; Ethiopia; Gabon; Ghana; Greece; Guinea; Guyana; Haiti; Honduras; Hungary; India; Indonesia; Iraq; Israel; Ivory Coast; Jamaica; Jordan; Kenya; Khmer Republic; Kuwait; Laos; Lebanon; Lesotho; Liberia; Libyan Arab Republic; Madagascar; Malaysia; Maldives; Mali; Malta; Mauritania; Mauritius; Mexico; Mongolia; Morocco; Nepal; Niger; Nigeria; Oman; Panama; Peru; Philippines; Poland; Qatar; Romania; Rwanda; Saudi Arabia; Senegal; Sierra Leone; Singapore; Somalia; Sri Lanka; Sudan; Sudan; Swaziland; Syrian Arab Republic; Thailand; Togo; Trinidad and Tobago; Tukey; Tunisia; Uganda; Ukrainian SSR; USSR; United Arab Emirates; United Republic of Tanzania; Upper Volta; Venezuela; Yemen; Yugoslavia; Zaire; and Zambia.

Against:

France; Portugal; South Africa; United Kingdom and the United States of America.

Abstaining:

Australia; Austria; Belgium; Brazil; Canada; Costa Rica; Denmark; El Salvador; Fiji; Finland; Guatemala; Iceland; Italy; Japan; Luxemburg; Malawi; Netherlands; New Zealand; Norway; Spain; Sweden; and Uruguay.

General Assembly Resolution 2980 (XXVII), 14 November 1972

In favour:

Afghanistan; Albania; Algeria; Argentina; Australia; Austria; Bahrain; Bhutan; Botswana; Barbados; Bulgaria; Burma; Burundi; Byelorussian SSR; Canada; Cameroon; Central African Republic; Chad; Chile; China; Congo; Cuba; Cyprus; Czechoslovakia; Dahomey; Denmark; Ecuador Egypt; Ethiopia; Fiji; Finland; Gabon; Ghana; Greece; Guinea; Hungary; Ireland; Israel; Ivory Coast; Jamaica; Kenya; Khmer Republic; Kuwait; Laos; Lebanon; Liberia; Libyan Arab Republic; Madagascar; Malaysia; Mauritania; Mauritius; Morocco; Mongolia; Nepal; Netherlands; New Zealand; Nigeria; Norway; Oman; Pakistan; Panama; Peru; Philippines; Poland; Qatar; Romania; Rwanda; Saudi Arabia; Senegal; Sierra Leone; Singapore; Somalia; Sudan; Swaziland; Sweden; Syrian Arab Republic; Thailand; Trinidad and Tobago; Tunisia; Ukrainian SSR; USSR; United Arab Emirates; United Republic of Tanzania; Upper Volta; Yemen; Yugoslavia; Zaire; and, Zambia.

Against:

Brazil; Portugal; South Africa; United Kingdom; and the United States.

Abstaining:

Belgium; France; Guatemala; Honduras; Italy; Luxemburg; Uruguay; and Venezuela.

General Resolution 3102 (XXVIII), 12 December 1973

In favour:

Afghanistan; Algeria; Argentina; Australia; Austria; Bahamas; Bahrain; Barbados; Belgium; Bhutan; Botswana; Brazil; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Canada; Central African Republic; Chad; China; Congo; Cuba; Cyprus; Czechoslovakia; Dahomey; Democratic Yemen; Denmark; Ecuador; Egypt; El Salvador; Equatorial Guinea; Finland; France; Gabon; German Democratic Republic; Germany (Federal Republic of); Ghana; Greece; Guatemala; Guinea; Guyana; Honduras; Hungary; Iceland; India; Indonesia; Iran; Iraq; Ireland; Italy; Ivory Coast; Jamaica; Japan; Kenya; Khmer Republic; Kuwait; Laos; Lebanon; Lesotho; Liberia; Libyan Arab Republic; Luxembourg; Madagascar; Malawi; Malaysia; Mall; Mauritania; Mexico; Mongolia; Netherlands; New Zealand; Niger; Nigeria; Norway; Oman; Pakistan; Panama; Peru; Philippines; Poland; Qatar; Romania; Rwanda; Senegal; Sierra Leone; Singapore, South Africa, Sri Lanka, Sudan, Sweden, Syrian Arab Republic; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; Ukrainian SSR; USSR; United Arab Emirates;

United Kingdom; United Republic of Tanzania; Uruguay; Yemen; Yugoslavia; Zaire; and Zambia.

Against:

None.

Abstaining:

Costa Rica; Israel; Paraguay; Portugal; Spain; and United States

General Assembly Resolution 3163 (XXVIII), 14 December 1973

In favour:

Afghanistan; Albania; Algeria; Argentina; Australia; Austria; Bahamas; Bahrain; Barbados; Belgium; Bhutan; Bolivia; Botswana; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Canada; Central African Republic; Chad; Chile; China; Colombia; Congo; Costa Rica; Cuba; Cyprus; Czechoslovakia; Dahomey; Democratic Yemen; Denmark; Ecuador; Egypt; El Salvador; Equatorial Guinea; Ethiopia; Fiji; Finland; Gabon; German Democratic Republic; Germany (Federal Republic of); Ghana; Guatemala; Guinea; Guyana; Haiti; Honduras; Hungary; Iceland; India; Indonesia; Iran; Iraq; Ireland; Italy; Ivory Coast; Jamaica; Japan; Jordan; Kenya; Khmer Republic; Kuwait; Laos; Lebanon; Lesotho; Liberia; Libyan Arab Republic; Luxembourg; Madagascar; Malawi; Malaysia; Mali; Malta; Mauritania; Mexico; Mongolia; Morocco; Nepal; Netherlands; New Zealand; Nicaragua; Niger; Nigeria; Norway; Oman; Pakistan; Panama; Paraguay; Peru; Philippines; Poland; Qatar; Romania; Rwanda; Saudi Arabia; Senegal; Sierra Leone; Singapore; Somalia; Sri Lanka; Sudan; Swaziland; Sweden; Syrian Arab Republic; Thailand; Togo; Trinidad and Tobago; Tunisia; Turkey; Ukrainian SSR; USSR; United Arab Emirates; United Republic of Tanzania; Upper Volta; Uruguay; Venezuela; Yemen; Yugoslavia; Zaire; and Zambia.

Against:

Portugal; and South Africa.

Abstaining:

Brazil; France; Greece; Spain; United Kingdom; and United States.

General Assembly Resolution 3115 (XXVIII), 12 December 1973

In favour:

Afghanistan; Albania; Algeria; Argentina; Australia; Bahrain; Barbados; Bhutan; Bolivia; Botswana; Brazil; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Central African Republic; Chad; Chile; China; Colombia; Congo; Costa Rica; Cuba; Cyprus; Czechoslovakia; Dahomey; Democratic Yemen; Ecuador; Egypt; El Salvador; Equatorial Guinea; Ethiopia; Fiji; German Democratic Republic; Ghana; Greece; Guatemala; Guinea; Guyana; Haiti; Honduras; Hungary; Iceland; India; Indonesia; Iran; Iraq; Ireland; Ivory Coast; Jamaica; Jordan; Kenya; Khmer Republic; Kuwait; Laos; Lebanon; Lesotho; Liberia; Libyan Arab Republic; Madagascar; Malaysia; Mali; Malta; Mauritania; Mexico; Mongolia; Morocco; Nepal; New Zealand; Nicaragua; Niger; Nigeria; Oman; Pakistan; Panama; Paraguay; Peru; Philippines; Poland; Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain; Sri Lanka; Sudan; Swaziland; Syrian Arab Republic; Thailand; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; Ukrainian SSR; USSR; United Arab Emirates; United Republic of Tanzania; Venezuela; Yemen; Yugoslavia; Zaire; and Zambia.

Against:

Portugal; South Africa; United Kingdom; and the United States. Abstaining: Austria; Belgium; Canada; Denmark; Finland; France; Germany (Federal Republic of); Italy; Japan; Luxembourg; Malawi; Netherlands; Norway; Sweden; and Uruguay.

General Assembly Resolution 3111 (XXVIII), 12 December 1973

In favour:

Afghanistan, Albania; Algeria; Argentina; Australia; Bahamas; Bahrain; Barbados; Bhutan; Bolivia; Botswana; Brazil; Bulgaria; Burma; Burundi; Byelorussian SSR; Cameroon; Central African Republic; Chad; Chile; China; Colombia; Congo; Costa Rica; Cuba; Cyprus; Czechoslovakia; Dahomey; Democratic Yemen; Denmark; Ecuador; Egypt; Equatorial Guinea; Ethiopia; Fiji; Finland; German Democratic Republic; Ghana; Greece; Guatemala; Guinea; Guyana; Hungary; Iceland; India; Indonesia; Iran; Iraq; Ivory Coast; Jamaica; Japan; Jordan; Kenya; Khmer Republic; Kuwait; Laos; Lebanon; Lesotho; Liberia; Libyan Arab Republic; Madagascar; Malaysia; Mali; Malta; Mauritania; Mexico; Mongolia; Morocco; New Zealand; Niger; Nigeria; Norway; Oman; Pakistan; Panama; Peru; Philippines; Poland; Qatar; Romania; Rwanda; Saudi Arabia; Senegal; Sierra Leone; Singapore; Somalia; Spain; Sri Lanka; Sudan; Swaziland; Sweden; Syrian Arab Republic; Thailand; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; Ukrainian SSR; USSR; United Arab Emirates; United Republic of Tanzania; Venezuela; Yemen; Yugoslavia; Zaire; and Zambia.

Against:

Portugal; and South Africa.

General Assembly Resolution 3118 (XXVIII), 12 December 1973

Abstaining:

Austria; Belgium; Canada; El Salvador; France; Germany (Federal Republic of); Ireland; Israel; Italy; Luxembourg; Malawi; Netherlands; Nicaragua; Paraguay; United Kingdom; United States; and Uruguay.

In favour:

Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against:

Portugal, South Africa, United Kingdom, United States.

Abstaining:

Belgium, Brazil, Colombia, Costa Rica, France, Germany (Federal Republic of), Greece, Ireland, Israel, Italy, Japan, Luxembourg, Malawi, Nicaragua, Paraguay, Spain, Uruguay.

Appendix II

States Represented at the First Session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law in Armed Conflicts (1974)

Afghanistan		France		Mauritius
Albania		Gabon		Mexico
Algeria		Gambia		Monaco
Argentina		German Democratic Republic		Mongolia
Australia		Germany	Federal	Morocco
Austria		Republic		Netherlands
Bangladesh		Ghana		New Zealand
Bolivia		Greece		Nicaragua
Botswana		Guatemala		Niger
Brazil		Guinea-Bissau		Nigeria
Bulgaria		Haiti		Norway
Burma		Holy Sea		Oman
Burundi		Honduras		Pakistan
Byelorussian SSR		Hungary		Panama
Canada		Iceland		Paraguay
Central African Republic	African	India		Peru
Chad		Indonesia		Philippines
Chile		Iran		Poland
China		Iraq		Portugal
Colombia		Ireland		Qatar
Columbia		Israel		Republic of Korea
Congo		Italy		Republic of Vietnam
Costa Rica		Ivory Coast		Romania
Cuba		Japan		San Marino
Cyprus		Jordan		Saudi Arabia
Czechoslovakia		Kenya		Senegal
Dahomey		Khmer Republic		South Africa
Democratic People's Republic of Korea	People's	Kuwait		Spain
Democratic Republic of Vietnam	Republic	Lebanon		Sri Lanka
Democratic Yemen		Liberia		Sudan
Denmark		Liechtenstein		Sweden
Dominican Republic		Libyan Arab Republic		Switzerland
Ecuador		Luxemburg		Syrian Arab Republic
Egypt		Madagascar		Thailand
El-Salvador		Malaysia		Togo
Finland		Mali		Trinidad and Tobago
		Malta		Tunisia
		Mauritania		Turkey
				Uganda

Ukrainian SSR	United Republic of	Yugoslavia
USSR	Tanzania	Zaire
United Arab Emirates	USA	Zambia
UK of Great Britain	Upper Volta	
Northern Ireland	Uruguay	
United Republic of	Venezuela	
Cameroon	Yemen	

Appendix III

List of States Attending the United Nations Conference on the Representation of States in Their Relations with International Organizations (1975)

Argentina	Democratic Republic of	India
Australia	Vietnam	Indonesia
Austria	Denmark	Iraq
Bangladesh	Ecuador	Ireland
Belgium	Egypt	Israel
Brazil	El Salvador	Italy
Bulgaria	Finland	Ivory Coast
Byelorussian SSR	France	Japan
Canada	German Democratic	Khmer Republic
Chile	Republic	Kuwait
Columbia	Germany Federal	Lebanon
Cuba	Republic of	Liberia
Czechoslovakia	Greece	Libya
Democratic People's	Guatemala	Luxemburg
Republic of Korea	Holy Sea	Madagascar
	Hungary	
Malaysia	Philippines	Tunisia
Mali	Poland	Turkey
Mexico	Qatar	Ukrainian SSR
Mongolia	Republic of Korea	USSR
Morocco	Republic of Vietnam	UK
Netherlands	Romania	Cameroon
Niger	Saudi Arabia	Tanzania
Nigeria	Senegal	USA
Norway	Spain	Uruguay
Oman	Sweden	Venezuela
Pakistan	Switzerland	Yemen
Panama	Syrian Arab Republic	Yugoslavia
Peru	Thailand	Zaire

Appendix IV

Representatives of States Participating in the Conference of the International Women's Year (1975)

Afghanistan	Cameroon	Democratic Republic of Vietnam
Albania	Canada	Democratic Yemen
Algeria	Central African Republic	Denmark
Argentina	Chile	Dominican Republic
Australia	China	Ecuador
Austria	Colombia	Egypt
Bahamas	Congo	El Salvador
Bangladesh	Costa Rica	Equatorial Guinea
Barbados	Cuba	Ethiopia
Belgium	Cyprus	Fiji
Bolivia	Czechoslovakia	Finland
Botswana	Dahomey	France
Brazil	Democratic People's Republic of Korea	Gabon
Bulgaria		Gambia
Burundi		
Byelorussian SSR	Haiti	Ireland
German Democratic Republic	Holy See	Israel
Germany, Federal	Honduras	Italy
Ghana	Hungary	Ivory Coast
Great Britain	Iceland	Jamaica
Greece	India	Japan
Grenada	Indonesia	Jordan
Guatemala	Iran	Kenya
Guinea	Iraq	Kuwait
Guyana		
	Malaysia	Mongolia
Lebanon	Mali	Morocco
Lesotho	Mauritania	Nepal
Liberia	Mauritius	Netherlands
Libyan	Mexico	New Zealand
Luxembourg	Monaco	
Madagascar	Niger	Nigeria
Nicaragua	Panama	Philippines
Norway	Paraguay	Poland
Oman	Peru	
Pakistan		
	Qatar	Romania
Portugal	San Marino	Saudi Arabia
Rwanda	Sierra Leone	Somalia
Senegal		

Spain
Sri Lanka
Sudan
Togo
Trinidad and Tobago
Ukrainian SSR
United Arab Emirates

Uruguay

Swaziland
Sweden
Switzerland
Tunisia
Turkey
United Kingdom of
Great Britain and
Northern Ireland
Upper Volta
USSR
Venezuela
Vietnam
Yugoslavia

Syrian Arab Republic
Tanzania
Thailand
Uganda

United States of
America

Zaire
Zambia