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## Effects for Representation of African National Liberation Movements in the United Nations, 1974-1975

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### Abstract

Arguably, the representation of national liberation movements in the UN had effects on international politics, law, and relations. The subjects of law, politics, and relations are inherently inseparable. For example, in international politics, there are international relations, namely cooperation, unity, or bilateral treaty relations between or among countries, and in international relations, international law acts as a limit to each country's powers. Further, international relations occur when two or more countries enter into an agreement or agreements. International law governs this matter. Additionally, in international relations, there is also international politics, which greatly affects the state. International political actors, therefore, compete in various aspects such as economic, social, philosophical, scientific, domestic, and geographical aspects. Thus, the relationship between international relations and international law is a crucial aspect of international politics. An appropriate starting point for comprehending the effects of representation of national liberation movements in the UN is to examine world body-organised conferences, especially those that were held 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 international recognition and support for national liberation movements.

**Keywords:** *Conferences, National liberation movements, Organisations, Representation, United Nations.*

## 1. Introduction

In the formative years of the UN, 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 status. In some international organisations, non-independent territories were permitted separate representation (Shaw, 1983). In terms of Article 73 of Chapter XI of the Charter, members of the UN that had or assumed responsibilities for the administration of territories whose peoples had not yet attained a full measure of self-government should recognise the principle that the interests of the inhabitants of those territories were paramount and accept as a sacred trust the obligation of the administering powers to promote to the utmost, within the system of international peace and security established by the Charter, the well-being of the inhabitants of these territories (UN, 1945).

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 Council’s failure to process the petitions (Terretta, 2012). In 1961, the GA established a Special Committee on the Situation Regarding the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, or Declaration on Decolonisation. The purpose of creating the Special Committee was to speed up the process for the implementation of the 1960 Declaration on Decolonisation (UN GA, 1961). In 1962, the Committee also decided to receive petitions and hear petitioners (UN, 1962). Most of the territories within the Special Committee’s scope of competence were in Africa (UN, 1962). By the end of the 1960s, the Committee had not achieved any considerable progress regarding processing the petitions (Santos, 2012).

The third phase in the efforts to secure the participation of the liberation movements took place between 1972 and 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 (UN, Judicial Yearbook, 1974). 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 in national liberation movements in consultation with the OAU when dealing with territorial matters (Trevona, 2007).

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 under UN auspices (UN, 1975). The Western nations opposed the movements’ participation in the international conferences. For instance, the United States of America (USA) and several other countries in West Europe and others with the UN argued that their participation would hinder efforts towards advancing human rights in an armed conflict (Shaw, 1983).

A view was expressed 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 (Graham, 1975). Later, the internal rules of the conferences were amended to permit the liberation movements to participate. By 1975, a precedent and a major change had been established concerning the representation of national liberation movements in the UN.

Arguably, the representation of national liberation movements in the UN had effects on international politics, law, and relations. The subjects of law, politics, and relations are inherently inseparable. For example, in international politics, there are international relations, namely cooperation, unity, or bilateral treaty relations between or among countries, and in international relations, international law acts as a limit to each country's powers. Further, international relations occur when two or more countries enter into an agreement or agreements. International law governs this matter. Additionally, in international relations, there is also international politics, which greatly affects the state. International political actors, therefore, compete in various aspects such as economic, social, philosophical, scientific, domestic, and geographical aspects. Thus, the relationship between international relations and international law is a crucial aspect of international politics (Wibowo, 2021).

An appropriate starting point for comprehending the effects of representation of national liberation movements in the UN is to examine world body-organised conferences. Specifically, it requires an examination of 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 international recognition and support for national liberation movements (Ludert, 2007). Their analysis is also critical because they revealed several political developments in recent years that have thrown into sharp focus the relevance of the rule of self-determination, the preferred and protracted role of the national liberation movements, and the legal character of a state (Asmal, 1983). In addition, an analysis of the conference is critical because it revealed changes in legislating humanitarian law and the evaluation of a diplomatic strategy in light of a policy choice regarding the defence of racism and colonialism, which would enhance the prospect of effective law (Forsythe, 1975).

This paper is divided into three sections. The first section introduces the subject. The next section describes the effects of representation for national liberation at the UN. It explores 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. Section three concludes the paper.

## **2. Effects For Representation Of National Liberation Movements In The Un, 1974-1975**

### ***The First Session of the UN IHL (1974)***

The First IHL Session was held from 20 February to 29 March 1974, in Geneva, Switzerland. The session was held at the Swiss Federal Council's invitation. Its objective was to study two draft Additional Protocols prepared by the International Committee of the Red Cross (ICRC) intended to supplement the four Geneva Conventions of 12 August 1949. The debate at the conference centred on the status of African national liberation movements and the Palestinian Liberation Organisation [PLO] (UN, 1974). One hundred and twenty-six (126) states were represented at this session. The largest delegation was that of the United States (US), consisting of twenty-six (26) persons, largely drawn from the Departments of State and Defence (Baker, 1975).

The invitation was also sent to national liberation movements recognized by regional intergovernmental organisations. Accordingly, the following national liberation movements accepted the invitation and were represented at the first session of the conference: Palestinian Liberation Organisation (PLO); Front for the Liberation of Mozambique (FRELIMO); Popular Movement for the Liberation of Angola (MPLA); National Front for the Liberation of Angola (FNLA); African National Congress (ANC) [South Africa]; Pan Africanist Congress (PAC) [South Africa]; Zimbabwean African National Union (ZANU); Zimbabwean African People's Union (ZAPU); Southwest African Peoples' Organisation (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). The movements participated fully in the deliberations of the Diplomatic Conference and its Main Committee (Baker, 1975).

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 (Mauritania), who came strongly against the 'Zionists', Rhodesia, South Africa, and Portugal and in favour of national liberation movements and freedom fighters generally. Dada's statement set the tone for the session, which the Third World countries saw as an opportunity to change the status of national liberation movements. Due to Dada's statement, the session was slowed down by an unexpectedly virulent political debate. But the situation calmed down because of the affirmative vote on the participation of the national liberation movements (Alexander, <https://law.melb.edu.au>).

The conference's plenary meeting began on January 20, 1974. On 1 March 1974, the Conference, also by consensus, granted the national liberation movements recognised by the OAU and the League of Arab States (LAS) the right to participate in the Conference's proceedings. However, they were not allowed to vote. It was understood that only delegations representing states or governments could vote (UN, 1974). The decision to grant the national liberation movements the right to participate in the conference was in pursuance of the resolutions adopted by the XXIIIrd International Conference of the Red Cross, held in Tehran, during the UN GA session. Specifically, these resolutions urged the Diplomatic Conference to consider inviting such liberation movements (Graham, 1975).

Between 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. Most of the delegates agreed that the Geneva Conventions and other questions relating to humanitarian law application were interesting issues for discussion at the conference. On 11 March, following the general discussion in the plenary, the main committees of the conference began to meet to review the draft Protocols Additional to the Geneva Conventions. The last committee meetings were held on 21 March 1974 (International Review of the Red Cross, 1974).

On 22 March, the conference agreed on an amendment to the draft article defining the scope of the Protocol applicable to international armed conflicts. On 28 and 29 March 1974, the Conference studied and noted the reports of its committees. Given the importance of the committee reports, the conference adopted, by consensus, a resolution welcoming those reports. This included the adoption of Article I of Protocol I. The adoption of this article declared that wars of national liberation were on an equal footing with international armed conflicts (Verhoeven, 2007).

As a follow-up, the Conference President, Pierre 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. 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 1974 (UN, 1974).

### ***UN Conference on the Representation of States in Relations with International Organisations (1975)***

From 4 February to 14 March 1975, the UN convened a conference entitled 'The United Nations Conferences on Representation of States and Relations with International Organisations' in Vienna, Austria. The conference was held in accordance with 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 Organisations would be held early in 1975 in Vienna (UN, 1973).

The Conference appointed Judge Abdullah El-Erian of Egypt as Special Rapporteur and requested that he submit a report on relations between states and intergovernmental organisations. He also acted as an expert consultant for the conference. He drafted several reports and working papers and submitted a full set of draft articles with commentaries (UN, 1975). This was about the legal position of state representatives to international organisations in 1969 (UN, 1975). Meanwhile, after discussion and amendments to the draft articles, the GA, by Resolution 2966 (XXVII) of 14 December 1972, decided to convene an international conference of plenipotentiaries (UN, 1972).

The purpose of the Conference was to consider the question of the representation of states in their relations with international organisations and, using the International Law Commission's (ILC) draft articles as a basis, to embody the results of its work in international conventions and such other instruments as might have been deemed appropriate (UN, 1972). 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 (UN, 1973).

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 also invite the national liberation movements recognised by the OAU and/or the League of Arab States (LAS) in their respective regions to participate in the Conference as observers, in the practice of the UN (UN, 1973).

In response to the Austrian Government's invitation, the GA decided that the conference be held in Vienna early in 1975. On 29 November 1974, the Assembly invited all states to participate in the conference, and by that decision, 81 states attended the conference (UN, 1973). Additionally, the GA requested that the specialised agencies, the International Atomic Energy Agency (IAEA), and relevant intergovernmental organisations attend (UN, 1973). Thus, the following intergovernmental organisations accepted the invitation and were represented by observers at the conference: the International Labour Organisation (ILO); the Food and Agricultural Organisation (FAO); the United Nations Educational, Scientific, and Cultural Organisation (UNESCO); the World Health Organisation (WHO); and the IAEA. Other intergovernmental organisations attending included the

Council of Europe (COE), the European Economic Community, and the LARS (UN, 1973).

By Resolution 3247 (XXIX) of 29 November 1974, the GA decided to also invite the national liberation movements recognised by the OAU and/or by the LAS in their respective regions to participate in the conference as observers (UN, 1974). Thus, the following national liberation movements accepted that invitation and were represented by observers at the conference: Movement for the National Liberation of Comoro (MNLC); FNLA; PLO; PAC; MPLA; SWAPO; and ZAPU (UN, 1975).

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 (UN, 1975). Rudolph Kirchschlaeger, President of the Federal Republic of Austria, also spoke at the opening meeting. Jose SetteCamara (Brazil), an eminent international lawyer, diplomat, and country's permanent representative at the UN, was nominated as the President of the conference. The basis for the Conference's work was the draft articles prepared by the ILC at its fourteenth session in 1962, and 24 articles dealing with observer delegations to organs and conferences (UN, 1975).

The organisation 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 state relations representation with international organisations (UN, 1972; and World Legal Institute, 1973-1975). 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 states' representatives to international organisations to assure them of complete parity with traditional diplomatic agents (UN, 1975).

By its rules of procedure, adopted on 4 February 1975, the conference considered the draft articles on States' representation in their relations with international organisations adopted by the ILC (already mentioned above). At its 5th plenary meeting on 20 February 1975, the conference approved the draft articles on states' representation in their relations with international organisations. These articles concerned delegations to organs and conferences, as well as observer delegations (UN, 1976).



The President expressed his gratitude for the Conference's work on 11 March 1975, reminding it to complete its work in time for 14 March for the drafting of a Convention and its Final Act. He, therefore, proposed that the proceedings be conducted according to the rules of 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 (UN, 1975).

On that basis, the Conference approved the titles and texts of articles and, two days later, adopted the Vienna Convention on the Representation of States in Their Relations with International Organisations of a Universal Character: A Final Act and a set of five resolutions forming a part thereof (UN, 1975). One of these resolutions was introduced directly after the plenary, related to the status of the liberation movements recognised by the OAU and/or the LAS. 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 of national liberation movements as observers in the performance of international organisations (UN, 1975).

The Final Act was signed on 14 March 1975. The Convention, subject to ratification, was open for signature and accession on that date. On 30 September 1975, the Convention was deposited with the UN Secretary-General. To that end, the Conference recommended that the states concerned, in the meantime, accord the delegations of the liberation movements concerned with the necessary facilities, privileges, and immunities; and they should also be guided by the Conventions (UN, 1976).

### ***The World Conference on International Women's Year***

In 1975, the UN held, the World Conference on International Women's Year in Mexico City. 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" (UN Multimedia, 1975). Importantly, the Mexico City meeting would also recommend to the GA the idea of launching the 'United Nations Women's Decade: 1975-1985' and the convening of a world conference to review midterm the progress made in implementing

Mexico's objectives and adjust as necessary (Ruto, 2009). 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 (Godsee, 2012). Its purpose was to promote equality between men and women, ensure women's full participation in the total development effort, and recognise the importance of increasing women's contribution to the development of friendly relations among states to strengthen peace (McDougal et. al., 1975).

The conference was attended by one hundred and thirty-three (133) government representatives. One hundred and thirteen of these delegations were women (UN, <https://www.un.org>). Representatives of the office of the UN Secretariat also attended, as well as those of other UN bodies and specialised agencies. The IAEA was present. Observers represented the governments of the Netherlands Antilles, Papua New Guinea, and Surinam at the conference. The UN Commission on Human Rights (UNCHR) was also represented at the conference by an observer (UN, 1975).

In accordance with GA Resolution 3276 (XXIX) of 10 December 1974, the representatives of the following national liberation movements attended the conference as observers: the MPLA and FNLA (Angola); ANC (South Africa); SWAPO (Namibia); ANCZ (Zimbabwe); MOLINCO; and the PLO. 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 OEC—and 114 non-governmental organisations also attended the conference (UN, 1976). The Conference was convened by the Secretary-General of the UN and opened by Mexico's President, Luis Echeverria Alvarez (UN, 1976).

On 1 July, 1975, 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 (UN, 1976). The purpose of the plan was mainly to stimulate national and international action to solve the problems of underdevelopment and socio-economic structure, which place women in an inferior position, and to achieve the goals of the International Women's Year (Digital Commons, <https://digitalcommons.hollins.edu>). The draft World Plan of Action was designed to translate into practical reality the principles of

the Universal Declaration of Human Rights and the Declaration on the Elimination of Discrimination Against Women (Symonides et. al., 1999).

The conference urged governments to establish short-term, medium-term, and long-term targets to implement the plan. At the global and regional levels, it was 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' (UN, 1976). It also adopted thirty-five (35) resolutions supplementing the World Plan of Action. These resolutions dealt with a variety of women's issues. For instance, in the resolution on the status of women in South Africa, Namibia, and Southern Rhodesia (Zimbabwe), the conference vigorously condemned the minority regimes of South Africa, Namibia, and Zimbabwe for their obstinate policy of oppression and contempt for the UN's efforts and patience with the international community (UN, 1976).

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 invited the Secretary-General of the UN and all the UN specialised 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 (UN, 1976). In addition, it 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 dominion and alien subjugation. To that end, the Conference 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 (UN, 1976).

### **3. Conclusion**

National liberation movements represented in the UN affected international politics, law, and relations. Based on the evidence presented in this article, these effects became evident when the world body decided to admit the movements' representatives to its proceedings in accordance with practice. It was the conferences organised under UN auspices, in which liberation movements were represented alongside member states that set a pattern. As noted, these conferences included the 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), among others. As observed, most liberation movements from non-self-governing territories in Africa were present at these conferences. Analytically, the representation of the national liberation movements in the UN resulted in a major change in international politics, law, and relations.

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