



Foreign and Commonwealth Office

London SW1A 2AH

19 July 1982

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Prime Minister

You asked for this information.

A.F.C. 20/7

Dear Sir,

In your letter of 12 July you asked for a list of territories on which we make reports under Article 73(e) of the UN Charter. At present they are:

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Bermuda
British Virgin Islands
Cayman Islands
Falkland Islands (these reports have traditionally included the Dependencies)
Gibraltar
Montserrat
Pitcairn
St Helena and Dependencies (Ascension and Tristan de Cunha)
Turks and Caicos Islands

This is not a complete list of our Dependent Territories. There are three omissions:

- (a) Hong Kong. When the People's Republic of China replaced the Nationalists at the UN, they objected to the treatment of Hong Kong as a colony; for them it was part of China. The UN ceased to debate Hong Kong and we (without prejudice to our own position on sovereignty) ceased to report under Article 73(e).
- (b) Anguilla. While Anguilla was part of the Associated State of St Kitts-Nevis-Anguilla the UK had responsibility only for its defence and external affairs: it did not come within the scope of Article 73(e) and we did not report on it. Anguilla broke away from St Kitts-Nevis in 1967 but it was not until December 1980 that it was constitutionally given the status of a separate

/Dependent



Dependent Territory. We intend to start transmitting information under Article 73(e) soon. (St Kitts-Nevis of course remains an Associated State for which we do not make reports under Article 73(e).)

- (c) We make no reports on the British Indian Ocean Territory or the British Antarctic Territory, on the grounds that these have no permanent population.

Always,

(B J P Fall)
Private Secretary

A J Coles Esq
10 Downing Street

9 JUL 1982

9 JUL 1982

Gibralta

S/F

12 July 1982

Gibraltar

The Prime Minister has seen your letter of 6 July about reports on Gibraltar to the United Nations. She would be grateful for a full list of the non self-governing territories on whom reports are made under Article 73(e) of the United Nations Charter.

JOHN COLES

John Holmes, Esq.,
Foreign and Commonwealth Office.

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Foreign and Commonwealth Office

London SW1A 2AH

Prime Minister

You asked why, if Gibraltar was self-governing, we made report to the U.N. as it under Article 73 which deals with non-self-governing territories. This letter supplies the answer.

6 July 1982

May 1 see UK full gov't non-self governing territories - on this definition?

A.S.C. 8/7

Dear John,

Gibraltar

You asked for further details about a UN point which arose during the Secretary of State's talk with the Prime Minister about Gibraltar on 30 June.

Reports to the United Nations

According to Article 73(e) of the United Nations Charter (copy attached) administering states have an obligation to transmit annually to the UN information on economic, social and educational conditions in those dependent territories which have not attained a 'full measure of self-government'. Gibraltar has been included in this exercise since the United Kingdom chose to define it as a non self-governing territory when the list of such territories was first drawn up in 1946.

Despite constitutional reforms since 1946 which have led to greater self-administration, notably the new Constitution of 1969, HMG have not judged that Gibraltar has attained a full measure of self-government or sought to delete Gibraltar from that list. Even if they did so the United Nations would probably not agree. Although there is no precise definition in controversial cases, the Committee of 24 normally consider that a territory has achieved a 'full measure of self-government' only on independence. Gibraltar's 1969 Constitution and the then Foreign and Commonwealth Secretary's covering despatch make it clear that, although the Gibraltar Government is charged with responsibility for most of its own domestic affairs, the Governor retains direct responsibility for external affairs, defence and internal security, as well as certain land matters and the maintenance of financial and economic stability.

The last report on Gibraltar, as required under Article 73(e), was provided in October 1981 and covered the year 1980.

/Separately,

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Separately, the United Nations Fourth Committee consider the question of Gibraltar annually in the context of the 'Declaration of the Granting of Independence to Colonial Countries and Peoples'. It usually does so on the basis of a draft consensus agreed beforehand between Spain and the United Kingdom. This consensus is then passed to the General Assembly which adopts it as a decision. I attach a copy of last year's consensus, which was identical to that of 1980 and which was adopted on 24 November 1981.

Yours ever
J E Holmes

(J E Holmes)
Private Secretary

A J Coles Esq
10 Downing Street

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CHAPTER XI
DECLARATION REGARDING
NON-SELF-GOVERNING TERRITORIES

ARTICLE 75

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.



General Assembly

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FOURTH COMMITTEE
Agenda item 19

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

QUESTION OF GIBRALTAR

Draft consensus submitted by the Chairman

The General Assembly, noting that the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland signed a declaration on 10 April 1980 at Lisbon, 1/ intending, in accordance with the relevant resolutions of the United Nations, to resolve the problem of Gibraltar, agreeing to that end to start negotiations aimed at overcoming all the differences between them on Gibraltar, agreeing also to the re-establishment of direct communications in the region, the Government of Spain having decided to suspend the application of the measures at present in force, and both Governments agreeing to base future co-operation on reciprocity and full equality of rights, urges both Governments to make possible the initiation of the negotiations as envisaged in the consensus adopted by the Assembly on 14 December 1973, 2/ with the object of reaching a lasting solution to the problem of Gibraltar in the light of the relevant resolutions of the Assembly and in the spirit of the Charter of the United Nations.

1/ See A/AC.109/603, para. 13.

2/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 30 (A/9030), p. 111, item 23.

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