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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE  
IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF  
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1495th MEETING

Held at Headquarters, New York,  
on Friday, 10 July 1998, at 3 p.m.

Chairman: Mr. RODRIGUEZ PARILLA (Cuba)  
(Vice-Chairman)

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The meeting was called to order at 3.30 p.m.

ADOPTION OF THE AGENDA

1. The agenda was adopted.

QUESTION OF NEW CALEDONIA (continued) (A/AC.109/2114; A/AC.109/L.1878)

2. The CHAIRMAN pointed out that, at its 1493rd meeting, the Committee had decided to agree to a request to hear a petitioner.

3. At the invitation of the Chairman, Mr. Wamytan (Kanak Socialist National Liberation Front) took a place at the petitioner's table.

4. Mr. WAMYTAN (Kanak Socialist National Liberation Front (FLNKS)) said that, on 24 September 1853, as a result of unilateral action by France, New Caledonia had lost its sovereignty. His people had several times protested against the situation but each time had been subjected to oppression, at first military and later legal. It was asserting its identity and dignity, and its right to political liberation and independence, and demanded the restoration of its sovereignty as it had every reason to fear that it would become a minority in its own country as a result of immigration. At the same time as the struggle at the local level, there had been a struggle within metropolitan France and internationally.

5. In 1986 the South Pacific Forum had decided to seek to have New Caledonia again put on the list of Non-Self-Governing Territories. The General Assembly had adopted resolution 41/41 A in which it noted that in the light of the provisions of Chapter XI of the Charter of the United Nations, New Caledonia was a Non-Self-Governing Territory and reaffirmed the inalienable right of its people to self-determination and independence in conformity with General Assembly resolution 1514 (XV). In 1988, the French Government, FLNKS and the Rassemblement pour la Calédonie dans la République (RPCR) has signed the well-known Matignon Accords. In the same year, the General Assembly had invited all the parties involved to continue promoting a framework for peaceful progress in the Territory towards self-determination.

6. Having agreed to participate in that process, FLNKS has maintained its reservations with respect to the Accords. Those reservations concerned, in particular, the population that was to participate in the referendum on the question of self-determination planned for 1998. The Matignon Accords had allowed the participation in the referendum of all people present in the Territory provided that, during the period from 1988 to 1998, they had not changed their domicile. However, as a result of the demographic policy of the French Government from the early 1970s onwards, the Kanak people had become a minority of the population. Noting the reservations of FLNKS, the Prime Minister of France had promised to take measures against immigration which would enable the Kanaks, at the time of the referendum in 1998, to become a majority again. Unfortunately, the French Government had not kept its promises and during the 1987-1998 period a further 20,000 settlers arrived in the Territory, mainly from France. In such circumstances, the 1998 referendum would have

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inflamed passions over the independence issue and created the risk of a socio-political explosion. For that reason, FLNKS had taken the initiative of seeking an agreed solution to the problem, together with France and RPCR.

7. FLNKS had submitted a framework draft text on the status of association with France, taking into account both the Kanak people's right to self-determination and the legitimate interests of other communities which were also, in their own ways, the victims of history. That draft, which was intended to form the basis for a common future in conditions of peace and prosperity, had been approved by the Prime Minister of France. FLNKS had taken that opportunity to make a statement in which it called on France, on the basis of its historical responsibility, to promote the social, economic and cultural development of the Kanak people by granting it genuine liberation. Contacts between the Kanak and French civilizations had been painful and bloody, and the time had come to turn over a new page.

8. Between February and April 1998, talks were held between FLNKS, RPCR and the French Government as a result of which the Noumea Accord on the future status of the territory was signed. It was well summarized in the preamble to the Accord which set out the obligations of France, FLNKS and RPCR. It stated that the power of France over New Caledonia had been established through unilateral acts and recognized the centuries-old identity of the Kanak people. It acknowledged that the colonization of New Caledonia had taken place in accordance with the conditions of that time. Noting both negative and positive features of the colonial people, the Accord acknowledged that it was essential for the identity of the Kanaks to be restored. The decolonization of New Caledonia should entail laying the foundations of citizenship, protecting employment and the sharing of powers between France and New Caledonia. The Agreement was to run for 20 years at the end of which period a referendum would be held on the transfer of sovereign powers to New Caledonia, its access to the international status of full responsibility and the organization of citizenship by nationality.

9. The Noumea Accord gave New Caledonia the opportunity to prepare for the attainment of full sovereignty. It was essential that the United Nations should continue, throughout that period, to follow the development of the situation in the Territory. That was specifically provided for in the Accord which stated that: "The progress made in the emancipation process shall be brought to the attention of the United Nations". Although the United Nations had established a specific deadline for the abolition of colonialism in the world, New Caledonia must remain on the list of Non-Self-Governing Territories, even after the year 2000, until it had achieved full independence and France had carried out its obligations.

10. On 7 July 1998 the French National Assembly, by an 86 per cent majority, amended the 1958 Constitution in order to reflect the provisions of the Noumea Accord. That decision expressed the agreement of France to confer independence on New Caledonia and to meet the aspirations of the Kanak people, which, in its turn, agreed to share its right to independence with other communities. It was clear that the conditions were in place for the gradual accession of New Caledonia, in partnership with France, to full sovereignty.

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11. Mr. HU Zhaoming (China) said that his country took an interest in the situation in New Caledonia, was in favour of good relations with France, warmly welcomed the Noumea Accord and hoped that its provisions would be observed by all participants. His country would closely follow the future development of the situation, particularly with respect to the proposed referendum.

12. Mr. OVIA (Papua New Guinea) noted the continuing dialogue between the administering Power and New Caledonia, the conclusion of the Noumea Accord and the overall progress towards the decolonization of New Caledonia. His country, which had good relations with France, welcomed the level of cooperation that had been achieved and would continue to observe the development of the situation of New Caledonia beyond the year 2000.

13. Mr. TANOHO-BOUTCHOUÉ (Côte d'Ivoire) said that he greatly appreciated the spirit of partnership that had been apparent in the statement by the petitioner. The members of the Committee had always appealed for such partnership. He called again on the administering Powers to help the Committee by participating in its work since the attainment of self-government by peoples and territories was the overriding objective.

14. Mr. RABUKA (Fiji), endorsing the view expressed by the representative of Côte d'Ivoire, said that cooperation between the administering Power and New Caledonia was a decisive factor in the process of that Territory's advance to full self-determination. He hoped that it would not be long before New Caledonia could justifiably be deleted from the United Nations list of Non-Self-Governing Territories.

15. Mr. MEKDAK (Syrian Arab Republic) welcomed the conclusion of the Noumea Accord between the two leading political parties of New Caledonia and France and said that it was essential for the Committee and other United Nations bodies to comply with the spirit of that instrument. The Committee should work with the parties towards the prompt implementation of its provisions. He called on other administering Powers to follow that example and to do everything possible to satisfy the legitimate interests and demands of the peoples of the territories under their administration.

16. Mr. TEIXEIRA DA SILVA (France) said that his country, in a spirit of transparency and a readiness for dialogue, was making all necessary efforts to provide full information on the situation in New Caledonia and had been pleased, earlier in the year, to inform the Committee of an important event in that connection, namely the conclusion of the Noumea Accord signed by the Prime Minister of France, the representative of FLNKS and the representative of RPCR. The content of that instrument bore witness to the aspiration of all interested parties to resolve the outstanding issues on the basis of consensus and in a spirit of compromise and reconciliation. The Accord provided that the political and social organizational structure of New Caledonia should, to a large extent, reflect the uniqueness of the Kanak people. To that end, new customary structures and bodies were being established in New Caledonia. Agreement had been reached on the separation of powers between the State and New Caledonia, in other words, on the process of the gradual sharing of sovereignty. Although international relations fell within the competence of the State, New Caledonia would be able to conclude agreements with States in the region. The question of

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granting full independence would be resolved in the course of the referendum process after a period lasting between 15 and 20 years.

17. His country had embarked on the process of approving the Accord at the legislative level. On 6 July 1998, the French National Assembly had approved the New Caledonia Constitutional Act; that constituted an amendment to the French Constitution which was essential for the ratification of the Noumea Accord. The Committee should take a favourable view of the Accord and call on all interested parties to approve its provisions and put them fully into effect without delay. It would also be desirable for the Committee to continue to consider the issue of New Caledonia in the future. For its part, his country was committed to informing the United Nations on further developments in the situation of New Caledonia. During the current year, France had held consultations with representatives of FLNKS and with the Committee which had resulted in the preparation of a draft resolution the content of which gave grounds for hoping that the Committee would adopt the corresponding resolution by consensus.

18. Mr. Wamytan withdrew.

QUESTIONS OF AMERICAN SAMOA, ANGUILLA, BERMUDA, BRITISH VIRGIN ISLANDS, CAYMAN ISLANDS, GUAM, MONTSEERRAT, PITCAIRN, ST. HELENA, THE TURKS AND CAICOS ISLANDS AND THE UNITED STATES VIRGIN ISLANDS (continued) (A/AC.109/2102-2104, 2106-2110, 2113, 2115 and 2117; A/AC.109/L.1875/Rev.1)

QUESTION OF TOKELAU (continued) (A/AC.109/L.1875/Rev.1)

19. The CHAIRMAN drew the attention of the Committee to the draft resolution contained in document A/AC.109/L.1875/Rev.1.

20. Mr. OVIA (Papua New Guinea), introducing draft resolution A/AC.109/L.1875/Rev.1, said that it was the outcome of negotiations and direct cooperation between the Government of New Zealand and the representatives of Tokelau, and that the text therefore took account of the views of both sides. He was grateful to the administering Power for its cooperation and pointed out that the draft resolution was a further step towards final self-determination for the people of Tokelau.

21. Mr. MEKDAL (Syrian Arab Republic) said that the draft resolution was acceptable to both sides. He welcomed the fact that two resolutions resulting from agreements between the administering Powers and the peoples of Non-Self-Governing Territories were expected to be adopted by consensus at the present meeting of the Committee. That could be regarded as a major achievement for the Committee and his delegation fully supported both draft resolutions.

22. Draft resolution A/AC.109/L.1875/Rev.1 was adopted.

23. Mr. HUGHES (New Zealand) said that his delegation was grateful to the Committee, and to its Chairman personally, for the atmosphere of constructive cooperation in which discussion of the question of Tokelau had proceeded during the current year, and also to the representative of Papua New Guinea for his observations on the draft resolution. His delegation hoped that the

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representative of the people of Tokelau who had recently spoken in the Committee was convinced of the determination of his own Government, the United Nations and New Zealand, to act together in the interests of the people of Tokelau, something of which his own delegation was fully convinced.

DRAFT REPORT OF THE PACIFIC REGIONAL SEMINAR

24. Mr. MEKDAD (Syrian Arab Republic), speaking as Rapporteur, pointed out that the holding of the Pacific Regional Seminar at Nadi, Fiji, had been a contribution to the implementation of a number of resolutions of the United Nations General Assembly, including resolutions 43/47, 46/181, 46/70 and 52/78. As a result of the participation in the work of the Seminar of 45 representatives of Non-Self-Governing Territories, administering Powers, bodies of the United Nations system and other organizations, the Committee's delegation had received valuable information directly from the representatives of the interested parties. Many ideas and proposals put forward by participants in the Seminar had been reflected in the conclusions and recommendations contained in document A/AC.109/2121.

25. Referring briefly to the content of that document, he drew attention to a number of recommendations addressed to his colleagues in the Committee which were of practical importance and might be taken into account in the future for the holding of comparable seminars. Those recommendations could be summarized as follows: it was essential to devote sufficient time to the preparation of seminars; a proposed list of persons to be invited should contain specific information about them and about the organizations they represented; the Committee should be able to make an exchange if a person whose participation in the Seminar was being financed were unable to attend; speakers should keep to the basic subject matter of the agenda of the seminar and all the issues included should be given equal weight; in addition to the text of their statement, participants should make available in advance a one-page summary of their statements and recommendations; the timetable of meetings and statements should be drawn up in good time; the practice of setting aside time for questions and answers after statements had been made should be continued; the guidelines and rules of procedure should be regularly updated in order to take account of experience acquired.

26. The CHAIRMAN invited the Committee to take note of the recommendations contained in the report of the Pacific Regional Seminar.

27. It was so decided.

28. The CHAIRMAN invited the Committee to consider the draft report in the English language since it had not yet been issued as an official document.

29. It was so decided.

30. The CHAIRMAN took it that the Committee wished to take note of the draft report of the Pacific Regional Seminar.

31. It was so decided.

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ECONOMIC AND OTHER ACTIVITIES WHICH AFFECT THE INTERESTS OF PEOPLES OF THE  
NON-SELF-GOVERNING TERRITORIES (A/AC.109/L.1876/Rev.1)

MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER  
THEIR ADMINISTRATION (A/AC.109/L.1877)

32. The CHAIRMAN drew the attention of the Committee to a number of working documents submitted by the Secretariat and also to the draft resolution on economic and other activities and to the draft resolution on military activities contained in documents A/AC.109/L.1876/Rev.1 and A/AC.109/L.1877, respectively.

33. Draft resolutions A/AC.109/L.1876/Rev.1 and A/AC.109/L.1877 were adopted.

34. The CHAIRMAN said that the Committee had concluded the consideration of those items of its agenda.

The meeting rose at 4.30 p.m.