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## Special Political and Decolonization Committee (Fourth Committee)

### Summary record of the 6th meeting

Held at Headquarters, New York, on Monday, 15 October 2007, at 10 a.m.

*Chairman:* Mr. Mohamed . . . . . (Sudan)

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\* Reissued for technical reasons.

\*\* Items which the Committee has decided to consider together.

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*The meeting was called to order at 10.15 a.m.*

**Agenda item 40: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples** (*Territories not covered under other items*) (continued)

*Hearing of representatives of Non-Self-Governing Territories and petitioners*

*Question of Gibraltar (A/C.4/62/2)*

1. *At the invitation of the Chairman, Mr. Caruana, Chief Minister of Gibraltar, took a place at the petitioner's table.*

2. **Mr. Caruana** (Chief Minister of Gibraltar) said that the people of all Non-Self-Governing Territories had the inalienable right to decolonization by self-determination, which was the only principle applicable in the decolonization process under the Charter of the United Nations and international law. The contention by some Member States that the right was extinguished by the mere existence of a sovereignty dispute was absurd. Moreover, despite efforts of the Chairman of the Special Committee on decolonization to prevent them from doing so, those same Member States had secured the inclusion, in the conclusions and recommendations of regional seminars organized by the Special Committee, of statements to the effect that listed Non-Self-Governing Territories that were the subject of a territorial claim by neighbours could be decolonized by means other than self-determination, and that where such a dispute existed the normal principles and work of the Special Committee did not apply.

3. Worse still, the Member States in question had attributed that view to the participants in the regional seminars, even though none of the representatives of the participants had expressed that view. The inclusion of that view in the reports of the seminars amounted to manipulation of the drafting committee. He urged the Chairman of the Fourth Committee and the Secretary-General to look into the matter.

4. The argument that the principle of territorial integrity applied in the case of Gibraltar was erroneous. Gibraltar had not been a part of Spain for over 30 years and therefore the exercise of Gibraltar's right to self-determination in 2007 in no way disrupted the integrity of Spain's territory. The principle of territorial integrity existed to protect the integrity of a

State's territory. It could not properly be invoked to preserve a claim to a neighbouring territory, still less to extinguish the right to self-determination of a colonial people.

5. In November 2006, the people of Gibraltar had voted in a referendum organized entirely by the Gibraltar Government, with no participation whatsoever of the United Kingdom Government, to accept a new constitutional relationship with the United Kingdom. The new constitution gave Gibraltar complete self-government except in matters relating to foreign affairs and defence; was not one of a sovereign independent state because the people of Gibraltar, for various reasons, did not believe that independence was the best option for their territory.

6. Independence was no longer the clear-cut concept it had been when the prevailing United Nations decolonization doctrines had been adopted. Such concepts evolved over time and the United Nations must adapt its jurisprudence to accommodate such evolution. Many independent countries gave up some of their cherished independence to collective regional decision-making structures. For example, Spain and other countries did so as Members of the European Union. The United Kingdom had much less power over the affairs of Gibraltar than the European Union had over Spain's national affairs. Given their own countries' histories he could understand that some representatives might doubt that the outcome of the Gibraltar referendum reflected the genuine, freely expressed will of the people of Gibraltar but he assured the Committee that it was.

7. The Committee's criteria for removing a territory from its list of Non-Self-Governing Territories had never been adapted to evolving circumstances or the special needs of the few remaining Territories. He agreed with the Chairman of the Special Committee that decolonization methods must be flexible and take account of the special circumstances of each Territory. That was the only way forward.

8. Contrary to the claims made by some external critics, the United Kingdom Government had no powers whatsoever, executive or legislative, in or over Gibraltar. The power to pass laws for Gibraltar — exercised rarely and always in consultation with the people — was vested in Her Majesty the Queen solely in her capacity as Queen of Gibraltar, not as Queen of Great Britain and Northern Ireland. The Governor

functioned solely as the representative of the Queen of Gibraltar, not as the representative of the United Kingdom, and to the extent that, as a matter of separation of powers, the constitution continued to allocate powers to him, he exercised them solely in that capacity. As borne out at the highest levels of the United Kingdom judicial system, the United Kingdom had neither the power nor the ability to act like an administering Power in Gibraltar, nor did it wish to do so.

9. Gibraltar should therefore be removed from the list of Non-Self-Governing Territories and the United Kingdom should accordingly be relieved of its reporting obligation in connection with Gibraltar under the Charter. That was the wish of the people of Gibraltar.

10. Spain's territorial sovereignty claim over Gibraltar was a totally different and separate issue from the decolonization issue. Spain confused the two issues at the United Nations. The people of Gibraltar would never accept bilateral negotiations over sovereignty between the United Kingdom and Spain, and the United Kingdom was committed not to negotiate or discuss the issue with the Government of Spain against the people's wishes.

11. The new Trilateral Forum for Dialogue was functioning well and the initial agreements reached in September 2006 were being successfully implemented. The Gibraltar Government was fully committed to the Forum and to building constructive bridges with Spain based on mutual respect. The Forum could create a favourable climate for discussion only if it recognized the supremacy of the wishes of the people of Gibraltar in all issues.

12. *Mr. Caruana withdrew.*

13. *At the invitation of the Chairman, Mr. Bossano, Leader of the Opposition, Parliament of Gibraltar, took a seat at the petitioner's table.*

14. **Mr. Bossano** (Leader of the Opposition, Parliament of Gibraltar) said that in the recent election campaign in Gibraltar his party had pledged to conduct a public information campaign covering the three principles for achieving self-government enunciated in General Assembly resolution 1541 (XV) and the fourth arising from the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the

Charter of the United Nations contained in General Assembly resolution 2625 (XXV). A consultative referendum would have followed to establish the strength of support for each option had they all been available.

15. In 2006, the United Kingdom had indicated that it regarded the adoption of the new constitution of Gibraltar as an exercise of the right of self-determination by the people of Gibraltar and that the approved constitution would entail a modern and mature relationship between the United Kingdom and Gibraltar.

16. Spain's position had been that the referendum represented merely the modernization of Gibraltar's relationship with the United Kingdom and that neither the referendum nor the constitution had any effect on the decolonization question. Spain had also predicted that the decision recommended every year to the General Assembly would not change, and indeed it had not.

17. Self-determination meant that the people of a colony were able to choose their preferred decolonization option and assume a new international status whereby they enjoyed a full measure of self-government. Having a more modern relationship with the administering Power was not the same as being decolonized. The people of Gibraltar did not accept the United Kingdom's argument that the outdated criteria for decolonization applied by the United Nations constituted the impediment to Gibraltar's decolonization. If the United Kingdom considered that necessary to modernize the criteria in order for Gibraltar to be decolonized, it should propose amendments to that effect that would apply not just to Gibraltar, but to all remaining Non-Self-Governing Territories.

18. If the General Assembly at its current session adopted a decision concerning Gibraltar that was the same as, or similar to, the decision taken at previous sessions and the United Kingdom supported that decision, the administering Power would, in fact, be abandoning its commitment that the 2006 referendum had constituted an exercise of the right of self-determination. The people of Gibraltar were entitled to learn where they stood under international law from an independent source, and the United Nations was the only independent source available to them.

19. *Mr. Bossano withdrew.*

**Agenda item 36: Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations** (*continued*) (A/62/23, chaps. VII and XII, and A/62/67)

**Agenda item 37: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories** (*continued*) (A/62/23, chaps. V and XII)

**Agenda item 38: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations** (*continued*) (A/62/23, chaps. VI and XII, and A/62/65)

**Agenda item 39: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories** (*continued*) (A/62/68 and Add.1)

**Agenda item 40: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples** (*Territories not covered under other agenda items*) (*continued*) (A/62/23 and A/62/128)

20. **Ms. Rodríguez de Ortiz** (Bolivarian Republic of Venezuela) said that it was regrettable that the questions of the Malvinas Islands and Puerto Rico had not been resolved. Her delegation reiterated its position that the Malvinas Islands, South Georgia and the South Sandwich Islands formed an inalienable part of the Territory of Argentina, in accordance with General Assembly resolution 1514 (XV), paragraph 6. In such a case, the principle of self-determination did not apply, since the populations of the islands in question had been installed by the occupying Power. The question of Puerto Rico had not been resolved because the United States had not made it possible for the Puerto Ricans to exercise their right to self-determination and independence. With regard to Western Sahara, it reiterated its position that the Saharan people should be allowed to exercise their inalienable right to self-determination. The conflict in Western Sahara threatened to destabilize the region as a whole and to undermine the Organization's credibility.

21. Her delegation welcomed General Assembly resolution 61/130, which reiterated the need for the eradication of colonialism, as well as racial discrimination and violations of basic human rights, and which called upon the administering Powers to take all necessary steps to enable the peoples of the

Non-Self-Governing Territories to exercise their right to self-determination, including independence.

22. **Mr. Ondo Matogo** (Equatorial Guinea) said that his delegation regretted the ongoing dispute between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO) given that the people at the centre of the dispute shared common values, traditions and culture. The initiative undertaken by the Kingdom of Morocco represented an important step forward in finding a lasting solution and had facilitated the adoption of Security Council resolution 1754 (2007). It was important that the international community should support that resolution.

23. **Mr. Nyowani** (Zimbabwe) said that his delegation strongly supported Security Council resolution 1754 (2007) and the inalienable right of the Saharan people to self-determination and independence. It welcomed the initiatives of the Secretary-General and his Personal Envoy aimed at finding a lasting solution and urged the parties concerned to enter into negotiations in good faith.

24. **Mr. Oraon** (India) said that, even in the new century, the Organization continued to grapple with the vestiges of colonialism, a bygone system that ran counter to its fundamental principles. The United Nations approach to the task ahead must blend urgency and activism with sensitivity and circumspection, taking into account — on a case-by-case basis — the needs of the people of the Territories, their special circumstances, their political aspirations and their stage of development. It was crucial to inform those people of the legitimate political options available to them, namely, independence or free association or integration with a State.

25. Two important tools for remedying a lack of information in the course of decolonization were the visits of United Nations missions to Non-Self-Governing Territories, which needed the full cooperation of administering Powers, and the holding of regional seminars by the Special Committee; and it might be useful to combine the two as a way of obtaining first-hand information on local conditions and ascertaining the wishes of the people involved.

26. The role of the administering Powers was an important one, and each should work in a positive spirit with the Special Committee to tailor specific action plans for the Territories for which it was

responsible. The referendum held in Tokelau was one such example of partnership. The Chairman of the Special Committee had rightly stated that the focus should be on producing a plan of implementation for the wider United Nations system, so as to complete decolonization by 2010. As a founding member of the United Nations and of the Special Committee, India stood in solidarity with other erstwhile colonized peoples and nations.

27. **Mr. de Palacio** (Spain) said that the question of Gibraltar was an ongoing priority for his Government. As recognized in General Assembly resolutions and decisions, the continuation of the colonial situation in Gibraltar was not in conformity with the Charter of the United Nations because it undermined Spain's unity and territorial integrity. Thus, in the process of decolonizing Gibraltar, it was necessary to address and definitively settle the related sovereignty issues. That stance had been clearly reflected in the conclusions of the Caribbean regional seminar on decolonization held in Saint George's, Grenada, in May 2007.

28. His Government regretted that, despite its expressions of willingness to resume negotiations with the United Kingdom on the sovereignty issues concerning Gibraltar, no progress had been made since the preceding session of the General Assembly and the decolonization of Gibraltar was thus no closer to becoming a reality.

29. Gibraltar's constitutional reform had not given and could not give rise to any change that had a bearing on its decolonization process. Neither the new Constitutional Decree for Gibraltar nor its approval in a referendum in which British citizens residing in Gibraltar had also participated could be expected to affect in any way the need to comply with the mandate of the United Nations General Assembly on the question of Gibraltar, since the decolonization of that Territory could only result from bilateral negotiations between Spain and the United Kingdom. Thus, the principle of self-determination did not apply to Gibraltar, as it would have in the absence of a sovereignty dispute.

30. Spain sought a definitive solution to the question of Gibraltar through negotiations with the United Kingdom that took the interests of the Gibraltarian population into account. Those were the terms of the decision on Gibraltar which the General Assembly adopted each year by consensus. His Government

remained fully committed to the process it had launched for that purpose with the British Government in 1980. Meanwhile, the United Kingdom claimed to have undertaken a commitment to the population of Gibraltar, reflected in the new Constitutional Decree, not to enter into any sovereignty arrangements against the Gibraltarians' wishes. However, his Government believed that that should not serve as an excuse for avoiding sovereignty negotiations, which would, in any event, take the interests of the Gibraltarian population into account. Otherwise, the United Kingdom would be in breach of both the mandate which the General Assembly had consistently reiterated since 1965 and the commitment it had made to Spain in 1980 to seek a definitive solution through dialogue between the two countries. His Government would continue to act in good faith and hoped that negotiations could be held in due course in order to make genuine progress towards decolonization.

31. His Government would continue to make dedicated efforts in the Forum for Dialogue on Gibraltar, in which the participants were discussing issues of local cooperation for the social welfare and economic development of the inhabitants of Gibraltar and the Campo de Gibraltar. However, that did not obviate the ineluctable need to address a colonial situation that was hard to justify in the twenty-first century. Spain hoped that the Forum would help to create a climate of cooperation that would make it possible to address that challenge.

32. **Mr. Kafando** (Burkina Faso), said that Morocco's initiative for negotiating the autonomy of the Western Sahara, the adoption of Security Council resolution 1754 (2007), and the two rounds of Manhasset talks had provided a glimmer of hope, as did the forthcoming third round. If all parties to those talks displayed good faith and the resolve to reach consensus, the just, lasting and mutually acceptable political solution that was the Security Council's goal could be achieved. It was the responsibility of the international community to help the process along, encouraging the parties to negotiate in a peaceful environment guaranteed by the United Nations, and to adopt a bold and creative approach. He praised the Secretary-General and his Personal Envoy for their contribution to the establishment of a new framework for dialogue and hoped that the General Assembly resolution to be adopted at the current session would

send a strong signal of consensus and support to the parties and the subregion as a whole.

33. **Mr. Hermida Castillo** (Nicaragua) praised the Special Committee on decolonization for its dedication to impartially discussing the Non-Self-Governing Territories that still did not enjoy their inalienable right to self-determination and independence. His delegation welcomed the Committee's recommendations and urged the administering Powers to cooperate with it increasingly, for only through implementation of the Committee's decisions and resolutions could General Assembly resolution 1514 (XXV) become a reality. The appeals of petitioners who appeared before the Committee should not only be heard, but also respected, and no Non-Self-Governing Territory should be removed from the Committee's list.

34. While welcoming the Committee's many successes, he noted that the situation of Puerto Rico remained unchanged, despite the support for the right of the latter to self-determination and independence. Fortunately, the Committee had now called for a full review of the question of Puerto Rico in the General Assembly. Puerto Rico should not continue to be the exception to the self-determination and independence of the people of the Caribbean.

35. He expressed Nicaragua's solidarity with the people of Western Sahara and welcomed the latest series of negotiations and praised Morocco and the Frente POLISARIO for their efforts, which he hoped would result in a just and lasting peace. He also expressed solidarity with the people of Latin America on the dispute over the sovereignty of the Malvinas. Nicaraguans could not happily enjoy their own hard-won freedom until all Non-Self-Governing Territories became masters of their own destinies and natural resources. Only then would the savage and inhuman era of colonialism be eradicated once and for all.

36. **Mr. Alzayani** (Bahrain) noted that, although the United Nations had been extremely successful, on the whole, in bringing about decolonization there were still a number of Non-Self-Governing Territories awaiting decolonization. Subjection of peoples to foreign domination was not only a denial of fundamental human rights but also an impediment to security; moreover, it hindered economic cooperation and social development.

37. While expressing the hope that the objectives of the Second International Decade for the Eradication of Colonialism would be achieved quickly, he pointed out that one third of the Decade had already elapsed. It was to be hoped that the Second International Decade would see the achievement of the final goal, a world free of colonization.

38. **The Chairman** invited the Committee to take action on draft resolutions before it.

*Draft resolution I on information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (A/62/23, chap. XII)*

39. **The Chairman** said that the Secretariat had informed him that draft resolution I had no financial implications.

40. *A recorded vote was taken.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Finland, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, South

Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Viet Nam, Zimbabwe.

*Against:*

None.

*Abstaining:*

France, Israel, United Kingdom of Great Britain and Northern Ireland, United States of America.

41. *Draft resolution I was adopted by 134 to none, with 4 abstentions.*

42. **Ms. Mace** (United Kingdom) said that, as in previous years, her country had abstained in the vote. It did not take issue with the main objective of the resolution, which was to seek compliance with Article 73 *e* of the Charter of the United Nations, and would continue to meet its obligations fully in that regard with respect to the United Kingdom Overseas Territories. However, her delegation believed that the decision as to whether a Non-Self-Governing Territory had reached a level of self-government sufficient to relieve the administering Power of the obligation to transmit information under 73 *e* of the Charter fell to the government of the Territory and the administering Power concerned, and not to the General Assembly.

*Draft resolution II on economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (A/62/23, chap. XII)*

43. **The Chairman** said the Secretariat had informed him that resolution II had no financial implications.

44. *A recorded vote was taken.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Finland, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras,

Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

*Against:*

Israel, United States of America.

*Abstaining:*

France, United Kingdom of Great Britain and Northern Ireland.

45. *Draft resolution II was adopted by 141 votes to 2, with 2 abstentions.*

46. **Mr. Desmoures** (Argentina) said that the resolution must be interpreted and implemented in conformity with the relevant General Assembly resolutions on decolonization, particularly resolution 2065 (XX). Its applicability depended on a given Territory's right to self-determination. General Assembly resolutions had established that in specific cases, such as those of the Malvinas, South Georgia and the South Sandwich Islands, illegally occupied by the United Kingdom, the means of ending that special colonial situation was not self-determination, but a negotiated settlement of the dispute over sovereignty. The resolution just adopted was therefore totally irrelevant to the current situation of those islands and the surrounding maritime areas, all of which formed part of Argentine territory, namely the United

Kingdom's unilateral exploitation of Argentina's natural resources, in breach of specific provisions, especially General Assembly resolution 31/49 (1976).

*Draft resolution III on implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (A/62/23, chap. XII)*

47. **The Chairman** said that the Secretariat had informed him that draft resolution III had no financial implications.

48. *A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Gambia, Ghana, Guatemala, Guinea, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Panama, Paraguay, Peru, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

*Against:*

None.

*Abstaining:*

Albania, Andorra, Argentina, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guinea-Bissau,

Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

49. *Draft resolution III was adopted by 93 votes to none, with 55 abstentions.*

50. **Ms. Malcata** (Portugal), speaking on behalf of the European Union, said that the States members of the European Union reaffirmed their support for the specialized agencies in their efforts to offer assistance to Non-Self-Governing Territories in the humanitarian, technical and educational fields. However, the statutes of those agencies must be carefully respected, and for that reason the European Union had again abstained in the vote on the draft resolution.

51. **Mr. Desmoures** (Argentina), said that the resolution just adopted needed to be implemented in conformity with the relevant provisions of the United Nations and the decisions and resolutions of the General Assembly and of the Special Committee on decolonization. For that reason his delegation had abstained in the vote.

52. **Ms. Eleva** (Russian Federation) said that her country's fundamental approach to decolonization had not changed. While it had consistently advocated effective implementation of the right to self-determination and independence of Non-Self-Governing Territories, it had abstained in the vote on the grounds that consideration of such a political issue in the format provided by the resolution was not feasible and was redundant in terms of the work of the Special Committee and the Fourth Committee.

*Draft resolution A/C.4/62/L.2 on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories*

53. **The Chairman** said that the Secretariat had informed him that draft resolution A/C.4/62/L.2 had no financial implications. India and the United Republic of Tanzania had become sponsors of the draft resolution.



54. *Draft resolution A/C.4/62/L.2 was adopted.*

*Draft resolution A/C.4/62/L.3 on the question of Western Sahara*

55. **The Chairman** drew attention to some typographical errors in the draft resolution.

56. *Draft resolution A/C.4/62/L.3, as orally amended, was adopted.*

57. **Ms. Malcata** (Portugal), speaking in explanation of vote on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Montenegro and Serbia and, in addition, Armenia, Moldova and Ukraine, said that the European Union was pleased that the resolution on the question of Western Sahara had been presented at the current session as a proposal of the Chairman and adopted by consensus. The European Union strongly supported Security Council resolution 1754 (2007), which called on the parties to enter into negotiations without preconditions in good faith, taking into account the developments of the last months. It commended the efforts of the Secretary-General and his Personal Envoy in support of that resolution, and encouraged the parties to continue to progress in the negotiations.

*Draft resolution IV on the question of New Caledonia (A/62/23, chap. XII)*

58. *Draft resolution IV was adopted.*

*Draft resolution VI on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/62/23, chap. XII)*

59. *Draft resolution VI was adopted.*

60. **Mr. Desmoures** (Argentina), speaking in explanation of vote, said that his Government joined the consensus for the resolution just adopted, with reference only to the countries listed therein. Argentina reiterated its support for the process of self-determination and the goal of putting an end to colonialism in all its forms, considering the principle of self-determination to be a fundamental right recognized in the relevant human rights treaties, and applicable in all cases where a country had been

colonized by a colonial power and remained subject to it. Argentina hoped that the process of self-determination would also move forward in situations where there was a dispute over sovereignty, which the General Assembly had defined as special situations of colonialism, specifically recommending negotiation as the only way to put an end to the colonial situation.

61. **Ms. Mace** (United Kingdom) said that her delegation had reluctantly joined the consensus on the draft resolution, reflecting its full support for the right to self-determination. However, some of the language used in the resolution was unacceptable, in that it failed to reflect the modernized relationship between the United Kingdom and its Overseas Territories.

*Draft resolution VII on the dissemination of information on decolonization (A/62/23, chap. XII)*

62. *A recorded vote was taken.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Moldova, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia,

Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

*Against:*

Israel, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

France.

63. *Draft resolution VII was adopted by 145 votes to 3, with 1 abstention.*

64. **Mr. Desmoures** (Argentina), speaking in explanation of vote, said that his Government supported the right to self-determination of peoples under colonial and foreign occupation, in accordance with General Assembly resolutions 1514 (XV) and 2625 (XXV), but wished to point out that the resolution just adopted should be interpreted and applied in line with the relevant General Assembly resolutions dealing with the special situation of the Malvinas, especially resolution 2065 (XX), as well as declarations by the Committee recognizing the existence of a sovereignty dispute between, as the sole parties, the United Kingdom and Argentina, and stipulating that the way to resolve it was by reconvening the process of bilateral negotiations, in order to achieve a peaceful and just solution to the dispute, taking into account the interests of the population of the islands.

65. **Sir John Sawers** (United Kingdom) said that his delegation had voted against the draft resolution because it considered that the obligation imposed on the United Nations to publicize information on decolonization constituted an unwarranted drain on the Organization's scarce resources.

66. **Mr. Sallam** (Saudi Arabia) said that as he had not been present when the votes were taken he wished to express his support for all of the resolutions adopted thus far.

*Draft resolution VIII on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/62/23, chap. XII)*

67. *A recorded vote was taken.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

*Against:*

Israel, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Belgium, France.

68. *Draft resolution VIII was adopted by 145 to 3, with 2 abstentions.*

69. **Mr. Desmoures** (Argentina) said that while he had voted in favour of the draft resolution he wished to recall that according to General Assembly resolution 850 (IX), visiting missions could be sent only to those Non-Self-Governing Territories that were not the subject of a sovereignty dispute.

70. **Sir John Sawers** (United Kingdom) said that, despite the fact that it had voted against the draft resolution, some elements of which were unacceptable, the United Kingdom was committed to modernizing its relationship with its Overseas Territories, while fully taking into account the views of the peoples of those Territories.

#### **Right of reply**

71. **Sir John Sawers** (United Kingdom), referring to the statement made by the representative of Spain about Gibraltar, said that the United Kingdom welcomed the continued progress of the trilateral process of dialogue among the Governments of the United Kingdom, Spain and Gibraltar. The agreements already reached were being implemented and were having a tangible impact on the quality of life of thousands of people in both Gibraltar and in Spain. Those agreements were without prejudice to the respective positions of the United Kingdom and Spain on sovereignty, on which the United Nations had not taken a view.

72. His Government welcomed the decision by the people of Gibraltar to accept the new constitution, which provided for a modern relationship between Gibraltar and the United Kingdom. It was regrettable that the outdated approach of the Special Committee on decolonization seemed not to have allowed for that to be recognized. The criteria used by the Committee to determine on whether a Non-Self-Governing Territory should be “de-listed” failed to take into account the way that relationships between the United Kingdom and Gibraltar, and other Overseas Territories, had been modernized in a manner acceptable to both sides. Gibraltar was now politically mature, and its relationship with the United Kingdom was non-colonial in nature.

73. As a separate territory recognized by the United Nations, Gibraltar enjoyed the individual and collective rights accorded by the United Nations Charter. The new constitution therefore confirmed the right to self-determination of the Gibraltarian people. That right was not constrained by the Treaty of Utrecht except only in so far as it gave Spain the right of refusal should Britain ever renounce sovereignty. Thus independence would only be an option with Spanish consent. The Government of the United Kingdom recognized that the act of deciding in the referendum to accept the new constitution was an exercise of the right of self-determination by the Gibraltarian people. The referendum, organized by the Government of Gibraltar, constituted a democratic, lawful and entirely proper act.

74. The Constitution did not in any way diminish British sovereignty, and the United Kingdom retained its full international responsibility for Gibraltar including its external relations and defence, in full accord with the freely expressed wishes of the people of Gibraltar. The Government of the United Kingdom did not accept that the principle of territorial integrity had ever been applicable to the decolonization of Gibraltar, nor that the existence of a sovereignty dispute implied that the people of Gibraltar did not have the right to self-determination.

75. The United Kingdom reaffirmed its longstanding commitment to the people of Gibraltar that it would never enter into arrangements under which they would pass under the sovereignty of another State against their wishes, and any reference to the Brussels Process needed to be understood in that context. The Government of the United Kingdom continued to enjoy very cordial relations with Spain and would continue to work amicably with it on all Gibraltar-related issues.

76. Referring also to the remarks made by the representatives of Argentina, Nicaragua and Venezuela, he said that the United Kingdom had no doubts as to its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands. There could be no negotiations on the sovereignty of the Falkland Islands unless and until the islanders so wished.

*The meeting rose at 12.30 p.m.*