



# General Assembly

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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 10th meeting

Held at Headquarters, New York, on Tuesday, 3 July 2001, at 10 a.m.

*Chairman:* Mr. Tanoh-Boutchoué (Vice-Chairman) . . . . . (Côte d'Ivoire)

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*In the absence of Mr. Hunte (Saint Lucia), Mr. Tanoh-Boutchoué (Côte d'Ivoire), Vice-Chairman, took the Chair.*

*The meeting was called to order at 10.25 a.m.*

### **Adoption of the agenda**

1. **The Chairman** said that, if he heard no objection, he would take it that the Special Committee wished to adopt the agenda.

2. *The agenda was adopted.*

**Question of New Caledonia** (A/AC.109/2001/14; A/AC.109/2001/L.14)

### *Hearing of a petitioner*

3. **The Chairman** recalled that, at its 7th meeting, the Committee had decided to hear a petitioner on the item.

4. *At the invitation of the Chairman, Mr. Wamytan (Front de libération nationale kanak socialiste (FLNKS)) took a place at the petitioners' table.*

5. **Mr. Wamytan** (Front de libération nationale kanak socialiste (FLNKS)) said that the Nouméa Accord concluded in 1998 had reflected the desire of the indigenous Kanak people, who had become a minority in their own country as a result of a policy of organized immigration, to turn the page on the era of colonialism and to begin building a common destiny with the other communities living in the Territory. However, since the elections held on 9 May 1999, the decolonization process had been beset by difficulties and delays. The new Government of the Territory had violated the Accord, one of the aims of which had been to put an end to the marginalization of the indigenous Kanak people and restore its inalienable right to participate in the administration of the affairs of its own country. Having won a majority in the Government, the Rassemblement pour la Calédonie dans la République (RPCR), in an alliance with the Fédération des comités de coopération indépendantistes (FCCI), was seeking to gradually distance FLNKS from the administration of the affairs of New Caledonia. The Government of France, taking refuge in the role of neutral arbitrator, was also failing to observe the principles of collegiality, consensus and responsibility-sharing.

6. At the same time, new trends were emerging in the relations between FLNKS and its partners: thus, in his general policy speech on 9 May 2001, the new President of the Government of New Caledonia, Mr. Pierre Frogier, had stated his commitment to finding "a new political balance with FLNKS". In addition, over the past two months, greater attention had been paid to the principle of collegiality in the Government, one example being the return to FLNKS of the post of Vice-President of the Government, as had been envisaged during the negotiations on the signing of the Nouméa Accord.

7. The implementation of the principles agreed on, namely, restriction and "freezing" of the composition of the electorate, protection of local employment and designation of identity symbols, had been seriously delayed. There were differences in the interpretation of the principle of a restricted electorate. Thus, FLNKS was proceeding on the basis that the electorate should be restricted to persons present in New Caledonia in 1998, their descendants and persons who had come to New Caledonia during the period from November 1998 to October 1999, provided that they had lived in New Caledonia for at least 10 years. RPCR, for its part, believed that the right to vote should be granted to all residents of New Caledonia who had lived there for at least 10 years. The Constitutional Council of France had supported an interpretation that ran counter to the Nouméa Accord. FLNKS was therefore fighting for the inclusion in the Constitution of a new amendment clarifying that point. Following votes in the National Assembly on 10 June 1999 and in the Senate on 12 October 1999, the amendment was to have been submitted for consideration to the National Congress in Versailles in March 2000 but, for internal political reasons, the President of the French Republic, Jacques Chirac, had postponed the meeting of that body indefinitely.

8. Another key component of the Nouméa Accord was the principle of protecting local employment, which had been enshrined in the Constitution in July 1998. However, laws of the country that were to have been adopted in order to codify that principle had, in fact, not yet even been discussed among the Accord's signatories. The same was true of the adoption of a set of symbols to signify that individuals belonged to the population of New Caledonia, which was essential for the building of the future State.

9. Those obstacles and delays in implementing the Nouméa Accord were undermining the morale of the population and causing it to lose confidence, as had been confirmed by an opinion poll conducted by the Louis Harris Institute in March 2001. All of the foregoing pointed to the need to remain vigilant with respect to the decolonization process provided for in the Nouméa Accord. The aim of FLNKS continued to be independence, many of its fighters and leaders having laid down their lives in that struggle. In its opinion, no other alternative was possible, whether integration, free association with the administering Power, or even the so-called "third way" that the United Nations had proposed to the population of Western Sahara. As a signatory of the Matignon and Nouméa Accords, FLNKS was committed to participating in the process of the political development not only of the Kanaks, but also of New Caledonia's other communities. The ultimate aim of that process was full independence.

10. The Kanak people, who accounted for about 100,000 of New Caledonia's total population of approximately 220,000, represented a stable core that was of the utmost importance for the country's national rebirth. He noted, in that connection, that New Caledonia possessed extremely rich natural resources and that the extraction of those resources should serve, first and foremost, the interests of its population. Currently, those resources were nickel and cobalt but, in the future, it would perhaps be a question of oil and gas-reserves that had been discovered on the continental shelf, which was bound to attract the attention of major economic and financial powers. In addition, the extent of the national economic zone and the country's advantageous strategic location in the Pacific Ocean would give rise to keen interest in New Caledonia on the part of big capital. A striking illustration was the meeting of representatives of the institutions regulating the world nickel trade held in Nouméa the previous week, at which it had been announced that the implementation of major projects in the north of the country had been started. If those projects were carried out successfully, New Caledonia would occupy a prominent position in world nickel production and would become one of the countries that determined prices on the world market. FLNKS believed that the exploitation of natural resources must serve as the economic foundation for political development, not as a pretext for relinquishing completely the objective sought.

11. In that connection, FLNKS demanded that the French Government carry out the functions it had assumed: the promotion of the decolonization and emancipation of the Kanak people and the non-Kanak communities associated with it. From a historical standpoint, France remained the colonizer and the administering Power of New Caledonia. It was precisely with France that FLNKS, as the legitimate representative of the Kanak people, had entered into talks in 1998 with a view to resolving the colonial problem. The outcome of those talks had been the formulation of a framework for the preamble of the Nouméa Accord, to which RPCR had subsequently subscribed. It had then taken part in the trilateral negotiations that had led to the signing of the Accord. Thus, France continued to be the most important participant in the decolonization process. It could not confine its role to settling disputes between the two parties.

12. FLNKS considered that RPCR was still its partner under the Accord. However, in contrast to France, it was not the colonizer of the Kanaks. While it did not underestimate France's services in New Caledonia since the signing of the Matignon Accord, FLNKS nevertheless called on that country to continue to follow closely the further development of the process. The position and conduct of France's representatives and persons of French origin in New Caledonia and France's other former colonies made one doubt the sincerity of its desire to promote the emancipation process that had begun with the Nouméa Accord. The same was true of France's actions towards its other former colonies. In order to be convinced of that, one need only look at the content of French television programmes, relevant Internet sites and the political sections of the newspapers. The information contained therein demonstrated that France was seeking to preserve a dominant role there in order to protect its financial and strategic interests.

13. He referred to his statement at the Havana regional seminar in which he had asked if it would be necessary to wait decades before the curtain of secrecy covering the political assassinations, unexplained deaths and political manipulation that had taken place in New Caledonia two decades earlier was pulled back. FLNKS demanded an end to the practice of setting different groups of the population against one another and manipulating people for narrow mercenary and political ends.

14. FLNKS would continue to strive for the full implementation of the Nouméa Accord. If necessary, it would unmask colonial and neocolonial practices, and it would fight against anything that might impede the attainment of the goals sought. FLNKS would openly point out any deviation from the course stipulated in the Nouméa Accord for which France was to blame. If RPCR carried out such actions, FLNKS would expose them, which would not, however, imply the rupture of the political agreement reached between them in 1992. On the contrary, such steps would help to avoid many stumbling blocks and to create favourable conditions for the successful implementation of the Accord and the establishment in New Caledonia of peace and harmony. He expressed the hope that the United Nations would continue to support that process in the context of the Second International Decade for the Eradication of Colonialism.

15. **Mr. Ovia** (Papua New Guinea), noting the speaker's dissatisfaction with the slow progress being made in the decolonization process, asked how many posts in the new Government were held by FLNKS.

16. **Mr. Wamytan** (FLNKS) replied that in the first Government, formed on 28 May 1999, FLNKS had held four posts out of 11; in the new Government formed after the April 2000 elections, that proportion had not changed.

17. **Mr. Okio** (Congo), noting that the representative of FLNKS had appealed for continuing vigilance on the part of the international community, asked him to specify what problems had arisen in determining who was entitled to vote.

18. **Mr. Wamytan** (FLNKS) said that, during the 1998 referendum and the subsequent provincial elections, about 9,000 persons had been denied the right to vote. They had the right to appeal to the Commission on Human Rights in Geneva, requesting that France should be condemned for excluding them from the electoral lists.

19. *Mr. Wamytan (FLNKS) withdrew.*

#### *Adoption of draft resolution*

20. **Mr. Ovia** (Papua New Guinea), introducing draft resolution A/AC.109/2001/L.14, noted that, in comparison with previous resolutions on the issue of New Caledonia, its text had undergone no substantive changes; all that had been added was new information

reflecting recent events. He therefore proposed that it should be adopted by consensus.

21. *Draft resolution A/AC.109/2001/L.14 was adopted.*

22. **The Chairman** said that the Special Committee had concluded its consideration of the agenda item in question.

**Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories** (A/AC.109/2001/3-4, 6-10, 13, 15 and 17; A/AC.109/2001/L.9)

**Military activities and arrangements by colonial Powers in Territories under their administration** (A/AC.109/2001/3-4 and 9; A/AC.109/2001/L.10)

23. **The Chairman** drew attention to various working papers prepared by the Secretariat, containing information on those two agenda items, and to draft resolution A/AC.109/2001/L.9 and draft decision A/AC.109/2001/L.10 relating to the items.

24. **Mr. Zaemsky** (Russian Federation) said that his statement related both to the agenda items under consideration and to the work of the Special Committee as a whole. As was well known, the position of the Russian Federation on certain issues differed from the approach of other members of the Committee. Nonetheless, his delegation had not prevented and would not prevent the adoption of consensus decisions. Subsequently, however, when the resolutions adopted by the Committee were voted on in the Fourth Committee and the General Assembly, his delegation intended to abstain in one case and to vote against in the other.

25. *Draft resolution A/AC.109/2001/L.9 and draft decision A/AC.109/2001/L.10 were adopted.*

**Report of the Special Committee** (A/AC.109/2001/L.15 and Corr.1)

26. **The Chairman** drew attention to the report of the Special Committee (A/AC.109/2001/L.15 and Corr.1), which had been approved in informal consultations, and suggested that, if there were no objections, it should be adopted.

27. *The report of the Special Committee was adopted.*

### Other matters

28. **The Chairman** recalled that, in informal consultations, the Committee had approved the text of the section entitled "Future work". If there were no objections, he suggested that it should officially adopt that text, authorizing the Rapporteur to include it in the existing section I of the report of the Committee, which would be submitted to the General Assembly.

29. *It was so decided.*

30. **The Chairman** recalled that, at its third meeting, the Special Committee had authorized the Rapporteur to revise its draft resolutions and the draft decision to conform to General Assembly format and to submit them directly to the Assembly.

### Conclusion of the work of the Special Committee

31. **The Chairman** said that the Special Committee had once again been guided in its work during the session by a spirit of constructive cooperation. Its deliberations had again focused on the political, economic and social situation in the remaining 17 Non-Self-Governing Territories. Their particular needs and vulnerabilities had been highlighted at the Caribbean Regional Seminar held in Havana in May 2001. The Committee had discussed and approved the substantive recommendations and conclusions of the Seminar.

32. Information provided by the administering Powers under Article 73 *e* of the United Nations Charter had also been reviewed. Representatives of the Non-Self-Governing Territories, petitioners, other officials and also representatives of non-governmental organizations had addressed the Committee regarding developments in those Territories. With respect to the provision of international assistance to the Territories, the Committee had continued to highlight the need for cooperation with the Economic and Social Council.

33. The Special Committee had adopted one decision and nine resolutions by consensus. Moreover, the resolution on Puerto Rico had been adopted unanimously.

34. The valuable contribution made to the work of the Committee by the representatives and peoples of the Non-Self-Governing Territories had been of the highest importance. In any programme of work for the future it was essential to take the fullest account of their views. At the same time, as the Committee had repeatedly emphasized, in order for it to carry out its

mandate successfully, it required the cooperation of the administering Powers and he was pleased to note the continuing excellent cooperation with New Zealand. The representatives of France and Portugal had also attended meetings and an official representative of the United Kingdom had taken part in the work of the Seminar in Havana. He hoped that the Committee's working relationship with all the administering Powers would be further strengthened in order to allow for constructive dialogue and real progress in the consideration of the needs and wishes of the inhabitants of the Territories. In that connection, he pointed out that the recent meetings with the representatives of Tokelau and New Zealand gave grounds for optimism. In the course of those meetings, the best ways of working in partnership had been discussed in order to ensure that the wishes of the people of Tokelau with respect to their future status and living conditions were taken into account. He hoped that all the administering Powers would become more involved in the work of the Committee. In that connection, the Committee was awaiting the response of the United Kingdom and the United States on the modalities for continuing the informal dialogue on Pitcairn and American Samoa begun in 2000.

35. In conclusion, he said that much remained to be done but that the Committee could and should play an important role in assisting the peoples of the remaining Non-Self-Governing Territories to exercise their right to self-determination in accordance with all relevant General Assembly resolutions.

36. **Mr. Benítez Versón** (Cuba) said that, although much remained to be done in order to attain the objectives of the second International Decade for the Eradication of Colonialism, a great deal of progress had been made at the present session. However, his delegation appealed to the administering Powers to cooperate with the Committee in its work since that was highly important for a successful outcome.

37. **Mr. Ovia** (Papua New Guinea) said that during the decade 2001-2010 the Committee should actively adopt innovative approaches in order to carry out its mandate successfully. It was essential to analyse the results of its activity in the light of the reform process and the changes that were occurring throughout the United Nations system. One such approach would be to study the situation in the Territories on an individual basis, for example to consider the question of Tokelau with the full cooperation of the administering Power,

New Zealand, and with the participation of prominent representatives of the people of the Territory such as the Ulu-O-Tokelau. That would be an acknowledgement that the interests of the people were of paramount importance for the Committee. On that basis, the Committee would adopt similar approaches to the consideration of the situation in other Territories. For example, in discussions of questions connected with Pitcairn and American Samoa, including informal discussions, the Committee would invite prominent representatives of those Territories as well as the Governments of the United States and the United Kingdom.

38. **Mr. Naidu** (Fiji) noted that, at the present session, the Committee had been able to organize its work well and that it had proved very effective.

39. **Mr. Stanislaus** (Grenada), referring to the participation of the administering Powers in the discussion of the situation in Territories with a view to settling pending issues, pointed out that the achievement of consensus on the basis of compromise was vital in multilateral diplomacy and that, if the Committee were to succeed in involving the administering Powers in its work in order to reach an agreement with them, it would be essential to bear that factor in mind.

40. **The Chairman** said that undoubted progress had been achieved in involving the administering Powers in the work of the Special Committee, one example having been the participation of an observer from the United Kingdom in the Caribbean Regional Seminar. The observations of the representative of Papua New Guinea on the need for the Special Committee to carry out further self-analysis were deserving of attention. The Committee should give thought to what was expected of it and to any grounds on which it was criticized. Solutions could be found only through joint efforts. At the same time, it should be remembered that the Committee was not acting against anybody but exclusively in defence of the interests of the peoples of the Non-Self Governing Territories.

41. He declared the 2001 session closed.

*The meeting rose at 11.45 a.m.*