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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 7th meeting

Held at Headquarters, New York, on Thursday, 28 June 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 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Request for hearing (aide-memoire 12/01)

2. **The Chairman** drew attention to a request for hearing on the question of New Caledonia contained in aide-memoire 12/01. He took it that the Committee wished to accede to that request.

3. *It was so decided.*

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

4. **The Chairman** drew attention to the working paper prepared by the Secretariat (A/AC.109/2001/14) and to the draft resolution (A/AC.109/2001/L.14) on the item. He suggested that the Committee should continue its consideration of the item at a later stage.

5. *It was so decided.*

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/AC.109/2001/2-4, 6-9, 13 and 15-17)

Hearing of a representative of a Territory

6. **The Chairman** informed the Committee that he had received a request for hearing from the Guam Commission on Decolonization. He took it that the Committee wished to accede to that request.

7. *It was so decided.*

8. **Mr. Bettis** (Guam Commission on Decolonization) said that the Guam Commission on Decolonization was a bipartisan, multi-branch agency of the Government of Guam. The Commission was grateful to the Committee for the work it had done in 2000 to clarify portions of the resolution on the question of Guam. Since the 2000 resolution was the basis of the draft resolution which was now before the Committee, the Commission supported the draft

resolution, but wished to be involved in the consideration of any changes to the existing language. As one possible addition, he suggested that the text should include a reference to the vote on the preferred status after decolonization to be held in Guam on 7 September 2002. He also expressed appreciation to the Secretariat for the informative working paper it had prepared on the question of Guam (A/AC.109/2001/4), which for the first time paid particular attention to human rights and related issues. He expressed the hope that in future working papers the Secretariat would further expand the focus on the rights and plight of the Chamorro people, who had been subjected to colonial rule for over 350 years.

9. It was remarkable that the Chamorro people had survived and preserved their national identity on a small island after three and a half centuries of colonial subjugation. Although the Chamorro people of Guam were now citizens of the United States of America, they also had a right to decolonization. The laws of Guam provided for a process of soliciting the views of the people of Guam on their preferred decolonized status. As was well documented in the working paper, Guam had long attempted to engage the administering Power on the issue of the island's status. At best, Guam had been engaged in discussions that had resulted in little substantive progress, while at other times, the issue had been effectively ignored. For example, after lengthy discussions between Guam leaders and the United States Government on a commonwealth proposal, the talks had concluded without any change in the status quo. Since 1998 there had been no response from Washington to the issue of Guam's desire for a change in its colonial relationship with the administering Power.

10. For a decolonization process to have meaning, it was crucial to have the active support of the administering Power, which must acknowledge that the people's expression of will was important and must be honoured. In that connection, the United Nations and the Committee had a significant role to play in encouraging the participation of all parties in the decolonization process. The Guam authorities had repeatedly asked the Committee — and had raised the issue at the Caribbean Regional Seminar in Havana — to bring all the parties together to consider the question of Guam under the case-by-case review process.

11. The Committee was well aware of the impact of the assimilationist immigration policies pursued by the

administering Power, which also retained control of strategically significant properties, such as almost all the territory of Guam's only harbour, and its continuing undemocratic decision-making practices which affected the daily lives of the inhabitants of Guam. It should be recalled that colonialism and associated undemocratic processes which did not take into account the views of the people concerned were a violation of basic human rights. As such, colonialism did not just exist, but had an adverse effect on all aspects of the life of the community and individuals. It was precisely for that reason that the anti-colonial nature of the United Nations Charter itself stood as the foundation of all human rights.

12. Guam's laws determined the process for the colonized people of Guam to express their preferences on the decolonization options. First, eligible voters would choose one of three separate status options: independence, free association and integration with the United States of America. The eligible voters were persons or descendants of persons who had been granted United States citizenship on 1 August 1950. That date was significant since the United States had extended citizenship in 1950 to all native inhabitants of Guam pursuant to the peace treaty between Spain and the United States. The process of registering eligible voters was currently under way. The Guam electoral commission had begun conducting orientation seminars for registrars in June 2001. A vote on the preferred status option was to be held on 7 September 2002. Before the plebiscite, the Guam Commission on Decolonization and its task forces would conduct an information campaign, funded by the Government of Guam.

13. He stressed that the process he had described was a Guam process which the General Assembly had encouraged the administering Power to support. However, that process of self-determination for Guam would not immediately lead to decolonization; instead, it was the beginning of a new stage of talks with the administering Power. In that regard, continued support for the people of Guam on the part of Member States was of great importance. In conclusion, he reiterated the invitation to members of the Committee to visit Guam, referred to in the 2001 resolution on United Nations visiting missions.

Adoption of a draft resolution

14. **The Chairman** drew attention to the draft resolution on the questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/AC.109/2001/L.13). The draft resolution was based on the 2000 text, and there were no substantive amendments. He suggested that rule 120 of the rules of procedure of the General Assembly should be waived, and the draft resolution should be taken up at the current meeting.

15. *It was so decided.*

16. **Mr. Donigi** (Papua New Guinea) said that since 2000 the Committee had not made any progress in its consideration of the situation in American Samoa and Pitcairn. In that connection, it must be recognized that, as had already been mentioned earlier, the Non-Self-Governing Territories were at various stages of constitutional and socio-economic development and there could not be a "one size fits all" programme of work for all Territories.

17. Some progress had been made in the situation of Tokelau, and similar progress could be made if other administering Powers also cooperated constructively with the Committee and its working groups. The future status of Territories could be ensured only through the application to each individual Territory of a constructive and transparent approach.

18. The Committee should not establish a constitutional structure without the participation of the people of a Non-Self-Governing Territory and then impose that structure on the people through the administering Power. The Committee's mandate in relation to the Territories could be fulfilled only through the formulation of individual programmes in cooperation with the administering Powers.

19. The administering Powers had already informally agreed to that approach, but now it was necessary to move forward. In that connection, he once again called upon all the administering Powers to cooperate with the Committee with a view to drawing up such programmes.

20. **The Chairman** said that the Committee was actually trying to improve its methods of work, and to approach the issue in a new, creative manner. The

programme of work, which provided for individual consideration of situations in Non-Self-Governing Territories, would make it possible to find a broadly acceptable solution to the problems of the peoples of the Territories. For that reason, the appeal made by the previous speaker was very pertinent, and the approach he had described must now be put into practice.

21. **Mr. Mekdad** (Syrian Arab Republic) expressed appreciation to the representative of Papua New Guinea for the comments he had made, which must be noted. Draft resolution A/AC.109/2001/L.13 covered 11 Territories, and his delegation intended to join in the consensus.

22. Each Territory had its own characteristics; there were relatively simple cases in which it was possible to find a solution fairly quickly in cooperation with the administering Power: Pitcairn and American Samoa were examples of such cases, in which substantial progress could be made, taking into account the aspirations of their peoples. Other cases were more complicated, and must be approached with care. As to the draft resolution, it mentioned some Territories in respect of which rapid progress — in cooperation with the administering Power, of course — was quite possible.

23. **The Chairman** said that he took it that the Committee wished to adopt draft resolution A/AC.109/2001/L.13 without a vote.

24. *Draft resolution A/AC.109/2001/L.13 was adopted.*

Question of Tokelau (A/AC.109/2001/5;
A/AC.109/2001/L.12)

Hearing of a representative of the Territory and of a representative of the administering Power

25. **The Chairman** said that he had received a letter from the Permanent Representative of New Zealand to the United Nations requesting that the Ulu-o-Tokelau and the Administrator of the Territory be given an opportunity to address the Committee. In the absence of objections, and in accordance with established practice, he invited the Committee to approve that request.

26. *It was so decided.*

27. *At the invitation of the Chairman, Mr. Nasau (Ulu-o-Tokelau) took a place at the petitioners' table.*

28. **Mr. Nasau** (Ulu-o-Tokelau) said that seven years previously, Tokelau had announced its wish to begin active consideration of the question of exercising its inalienable right to self-determination. That was a radical step given the extremely cautious and conservative approach to that question by the elders in earlier years. Tokelau could feel justifiably proud of its achievements since taking the decision to go its own, uncharted way. The Territory was able to claim with confidence that it was ready to take on the responsibility for shaping its own future rather than having it shaped by others.

29. With renewed resolve, and relying on the support for its efforts of the Committee and its working group, Tokelau was ready to embark on the next phase of its development. It was to be hoped that Tokelau would not be forced to adopt governance structures that were inconsistent with its values, cultural norms and practices. There was an understanding within the Committee of the concrete situation in Tokelau and of the characteristics of that country. Moral support from the Committee would continue to be critical to the success of Tokelau's progress towards the attainment of self-determination.

30. Such encouraging support, trust and mutual respect created the prerequisites to enable Tokelau to embark on its plan of action. In its approach to the question of self-governance and self-determination, Tokelau did not have only the free-association option in mind but was also considering the full-integration option in order to make an informed and educated choice taking into account the advantages and disadvantages of both options. Over the past year, attention had focused mainly on the governance and capacity-building aspects. During the forthcoming 12-month period, efforts would be concentrated mainly on ensuring the equal development of all three villages, particularly the councils of elders. The economic sector needed special attention, which must be reflected in the plan of action.

31. Note should be taken of the commitment to Tokelau's development process demonstrated by New Zealand. That had taken the form of the commitment of additional resources and ongoing material support for the Modern House project and the establishment of a Tokelau Trust Fund. The immense contribution to the successful development of that process made by the Administrator of the Territory, Mr. Lindsay Watt, was also worthy of recognition. The self-determination

process for Tokelau was a struggle for survival and a quest for Tokelau's own place in the sun. He suggested that, in order to gain first-hand information, the Committee should send a mission to Tokelau early in the following year.

32. *Mr. Nasau withdrew.*

33. **Mr. Watt** (New Zealand), speaking as the Administrator of Tokelau, pointed out that it was difficult to explain features of the situation in Tokelau because it was so remote. However, thanks to a dialogue with its working group, the Committee had available substantially more material than before, including the joint paper by the administering Power and the Territory as well as the introductory statements by the Ulu and the Administrator. After the current meeting a documentary film would be shown which presented a picture of everyday life in Tokelau, taking a particular village as an example. The film discussed ways of attracting back to their homeland the large number of Tokelauans who had acquired education and skills abroad so that they could benefit their homeland and thus promote the modernization of conditions of life while preserving those valued qualities that made life in Tokelau worthwhile and attractive to others.

34. The 1,500 people living in those atolls faced the task of surviving as an entity without losing their cultural uniqueness while at the same time providing for their modern needs. That also implied the answer to questions as to why Tokelau and New Zealand saw self-determination as a dynamic and evolving process, why Tokelau sought the space and time in which to define its particular path to self-determination, and why that was seen as a self-generated approach to decolonization. In that connection, it was essential for Tokelau, in the first place, to devise for itself a form of self-government that fitted its cultural context and, secondly, to shape a form of self-determination that fitted the physical and human reality of a context that seemed to be without precedent in post-war decolonization.

35. Currently, efforts were being made under three headings: sustainable governance, sustainable partnership and sustainable development. The focus was on finding arrangements that would be able to survive future changes of government, as well as of generations. Hence the importance of following a sequence, of gaining experience at each step, of gaining the support of all sections of the community

and of building confidence in Tokelau in respect of its own capacity. That was why Tokelau and New Zealand anticipated that self-determination was most likely to be a confirmation of governance systems that Tokelau had worked out internally, taking account of what had been worked out by that time with its partner.

36. All indications were that a partnership was being created involving new types of arrangements for managing a relationship of that special constitutional type. A practical issue arose: what was it that a community of 1,500 people could realistically do, and how would Tokelau's autonomy be appropriately sustained by the outside? Considering that Tokelau consisted of just three villages without any political centre or tradition of national government, it would be unrealistic to think of giving those three villages the normal paraphernalia of statehood. The core principle was that an external support structure should be an extension of Tokelau's system of self-government and should be closely linked with the local structures which took shape under Tokelau's Modern House project. A practical requirement for Tokelau was that there should be some facility in Wellington that would serve as a coordinating point for both Tokelau and the New Zealand agencies involved with it. Such a facility would assist the further development of links between Tokelau and New Zealand and the promotion of local initiative and ownership.

37. There was a wider dimension to the arrangements that were coming into place to support Tokelau's development. One such arrangement was the launching in Wellington of a "Friends of Tokelau" entity, bringing together people in the wider New Zealand community who had the necessary knowledge and interest in Tokelau and wished to lend their support at a critical point in Tokelau's development. It was most encouraging to see how the Modern House project was enabling Tokelau to tap into the skills of its New Zealand-based community of some 5,000 people. That gave practical meaning to the concept of the "oneness of all Tokelauans", who might number over 8,000 altogether. It was to be hoped that the Committee would achieve significant progress in the consideration of the question, on the basis of the recognition that Tokelau's path was necessarily a distinctive one.

38. **Mr. Mekdad** (Syrian Arab Republic) said that his delegation was encouraged by the active cooperation between the two parties; that cooperation could be a model for dialogue on the issue of decolonization for

the other administering Powers and Territories. It had been demonstrated once again that, when the parties were truly interested in finding a solution to a particular problem, the Committee was prepared to assist them straightaway.

39. The Ulu-o-Tokelau had clearly described the problems facing the people of Tokelau, and had raised issues which were relevant to the Committee. The Administrator had also brought up some aspects which would help the work of the Committee in relation to Tokelau. It should be particularly noted that the Government of New Zealand was sensitive to the needs of the inhabitants of the Territory and respected their traditions and their right of self-determination. His delegation therefore fully supported the positions of both speakers and would follow with interest the further development of events and facilitate that process in the interests of fulfilling the provisions of the Charter of the Organization and relevant General Assembly resolutions.

40. Much still needed to be done in that respect, but his delegation believed that the participants in the decolonization process were on the right track, which was extremely important. For its part, the Committee would be prepared to support the self-determination options which were currently under consideration, which would enable it to achieve its goals within the established time frame.

41. In conclusion, he said that the sooner the list of Non-Self-Governing Territories started to be reduced, the faster the Committee would approach the achievement of its main goal.

42. **Mr. Blanco** (Venezuela) thanked the representative of Tokelau for providing detailed information and participating in the current session of the Committee, which had made it possible to achieve significant progress in preparing the programme of work.

43. He also thanked the administering Power for its participation in the Committee's work and called upon all the participants in the process to continue to cooperate with the Committee, endorsing the view of the previous speaker that such dialogue was the best way of finding an acceptable solution to the problem of decolonization.

Adoption of a draft resolution

44. **The Chairman** drew attention to the draft resolution on the question of Tokelau (A/AC.109/2001/L.12). He suggested that rule 120 of the rules of procedure of the General Assembly should be waived and the draft resolution should be taken up at the current meeting.

45. *It was so decided.*

46. **Mr. Donigi** (Papua New Guinea), introducing draft resolution A/AC.109/2001/L.12 on the question of Tokelau, said that at the beginning of the week members of the working group on Tokelau had met the Ulu-o-Tokelau and the Administrator of the Territory and their respective advisers. The meeting had been very productive and had laid the basis for future discussions between the administering Power, the Ulu-o-Tokelau and the people of Tokelau, and the Committee.

47. It should be noted that there were some significant changes in the draft resolution compared with the 2000 resolution. The words "intended free association relationship" in the fourth preambular paragraph of draft resolution A/AC.109/2000/L.10 had been replaced by the words "special relationship" so as to indicate that the issue of the future relationship with New Zealand had not yet been resolved; he urged the Committee to work in a constructive manner to assist the Ulu and the people of Tokelau in that respect. The programme of work which was being developed for Tokelau should assist in that process. In the sixth preambular paragraph, the reference to the International Telecommunication Union had been replaced by a reference to the World Health Organization. New paragraphs 4 to 7 had been included in the text, so as to take into account the developments since the previous year in respect of the Modern House project. As could be seen, there had been some progress in the return of some governmental authority to the traditional leadership of Tokelau. The task being undertaken was to recognize the traditional authority exercised according to customary law and to legitimize those structures by adopting a legal document which could subsequently form the basis of a constitution of the Modern House of Tokelau. The draft resolution included a new paragraph 8 to reflect the progress made in the development of a programme of work for Tokelau. Paragraph 9 had been amended to acknowledge the continuing support of the New

Zealand Government to the Modern House project for the financial year 2001-2002 and also the support from the United Nations Development Programme. Paragraph 11 included a reference to the cultural adjustments which were taking place alongside the strengthening of Tokelau's capacity for self-government, while at the same time recognizing the problem of the limited resources available to support the material side of self-determination. That was a crucial issue, and during the meetings of the informal working group he, as chairman, had assured the Ulu that in its work the Committee would abide by the wishes of the people of Tokelau and wherever possible would help the Ulu and the people of the Territory to seek material assistance for the establishment of appropriate structures which would ensure their future survival. Paragraph 14 referred to New Zealand's support for Tokelau's applications for associate membership of the United Nations Educational, Scientific and Cultural Organization and for full membership of the South Pacific Forum Fisheries Agency.

48. Since not all Non-Self-Governing Territories were at the same level of development, there could be no "one size fits all" programme of work for all Territories. He commended the constructive approach of the Government of New Zealand, the Ulu-o-Tokelau and the Administrator of the Territory to the development of a programme of work for Tokelau and urged the other administering Powers to adopt a similar approach. In conclusion, he commended the draft resolution to the Committee for adoption without a vote.

49. **The Chairman** invited the Committee to take action on draft resolution A/AC.109/2001/L.12 and, referring to the statement by the representative of Papua New Guinea, suggested that it should be adopted without a vote.

50. *Draft resolution A/AC.109/2001/L.12 was adopted.*

The meeting rose at 11.40 a.m.