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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 15th MEETING

Held at Headquarters, New York,
on Wednesday, 21 July 1999 at 10 a.m.

Chairman: Mr. DONIGI (Papua New Guinea)

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The meeting was called to order at 10.20 a.m.

ADOPTION OF THE AGENDA

1. The agenda was adopted.

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/AC.109/1999/L.11/Rev.2)

2. The CHAIRMAN drew attention to draft resolution A/AC.109/1999/L.11/Rev.2, which incorporated the amendments introduced at the previous meeting.

3. He suggested that, if there were no additional comments on the draft resolution, the Committee should adopt it by consensus.

4. Draft resolution A/AC.109/1999/L.11/Rev.2 was adopted.

QUESTIONS OF THE NON-SELF-GOVERNING TERRITORIES OF AMERICAN SAMOA, ANGUILLA, BERMUDA, BRITISH VIRGIN ISLANDS, THE CAYMAN ISLANDS, GUAM, MONTserrat, PITCAIRN, SAINT HELENA, TURKS AND CAICOS ISLANDS AND THE UNITED STATES VIRGIN ISLANDS (continued) (A/AC.109/1999/L.15/Rev.1; aide-mémoire No. 21/99)

5. The CHAIRMAN drew attention to draft resolution A/AC.109/1999/L.15/Rev.1, which had been prepared on the basis of consultations with interested members of the Committee, and also with the relevant administering Powers.

6. Mr. MEKDAD (Syrian Arab Republic), Rapporteur, said that an amendment should be made to the draft resolution: part A, paragraph 9 should be replaced with the following text:

"Stresses that the eradication of colonialism requires the full and constructive cooperation of all parties concerned, and notes with concern that the implementation of the Plan of Action of the International Decade for the Eradication of Colonialism cannot be concluded by the year 2000".

That amendment reflected the consensus formulation which, for technical reasons, had not been reflected in the text issued by the Secretariat.

7. The CHAIRMAN confirmed that the amendment which had been read out reflected the agreed formulation.

8. He drew attention to aide-mémoire No. 21/99, which included a copy of an electronic message to the Chairman of the Committee from the Permanent Mission of the United States of America, and a copy of a letter from the Governor of the United States Virgin Islands addressed to the Chairman of the Committee. The United States position could be summarized as follows: the issues covered in section XI, paragraphs 4 to 7, concerned relations between the federal Government of the United States of America and the Government of the United States Virgin Islands, and Mr. Corbin, who had addressed the Special Committee

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on the question of that Non-Self-Governing Territory, was not authorized to raise financial matters.

9. Section XI of the draft resolution differed from the 1998 resolution in two main ways. In the second preambular paragraph, he had tried to reflect more accurately what had happened in the Territory in 1993. New paragraphs 4-7 had been added. Their provisions were based on information which was included in a working paper prepared by the Secretariat (A/AC.109/1999/7) and derived from other sources which were accessible to anyone. The paragraphs did not reveal any previously unknown or confidential information.

10. Mr. DUFFY (United States of America) said that the Chairman had referred to issues which were of concern to his Government.

11. Mr. MEKDAD (Syrian Arab Republic) said that the Special Committee had not taken up any issues with Mr. Corbin. The relevant part of the draft resolution had been considered by members of the Committee, who had exchanged views on it. He agreed with the Chairman's assessment of section XI, paragraphs 4 to 7, of the draft resolution.

12. Mr. EGUIGUREN (Chile) said that he thought that there had already been consultations on the draft resolution. He wondered whether there was any need to return to a stage which had already been completed.

13. The CHAIRMAN said that the representative of Saint Lucia (the coordinator of all sections of the draft resolution relating to Caribbean Territories) had conducted extensive consultations. In the previous week, during informal consultations, issues relating to paragraphs 4 to 7 of section XI, concerned with the United States Virgin Islands, had been considered. He had been requested to consult the United States delegation in order to reach a decision which was more acceptable for both parties. A deadline had been set of 6 p.m. on 16 July. Since there had been no reply from the United States delegation by that time, he had instructed the Secretariat to issue the draft resolution in its current form. On 20 July, however, he had received two documents, which were included in aide-mémoire No. 21/99.

14. Mr. TANOH-BOUTCHOUÉ (Côte d'Ivoire) asked what the procedure would be for further action.

15. The CHAIRMAN said that the procedure was very simple: the Committee must take up draft resolution A/AC.109/1999/L.15/Rev.1.

16. Mr. EGUIGUREN (Chile) expressed regret that the United States delegation had not submitted its response on time. The Committee always tried to cooperate with the administering Powers. Since the United States of America did not agree with some formulations in the draft resolution, he wondered whether the Rapporteur would hold further considerations and whether the United States of America should be given a new deadline.

17. The CHAIRMAN said that he believed that the United States position was clear: section XI, paragraphs 4 to 7, must be removed. The Committee faced the

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question of whether to adopt the document as currently drafted. In his view, there was nothing contentious or debatable in those paragraphs.

18. Mr. ZAEMSKIY (Russian Federation) said that for his delegation, one of the main advantages of omnibus resolutions was that they were adopted by consensus. If the possibility of achieving consensus on the draft resolution was threatened, consultations would have to continue.

19. Mr. MEKDAD (Syrian Arab Republic) said that the question of consensus arose, on the one hand, in the Special Committee, in which problems had never arisen, and on the other hand, in the Special Political and Decolonization Committee (Fourth Committee). If problems arose with a particular formulation at a later stage, they could be resolved during consultations with the administering Powers preceding the adoption of the resolution in the Fourth Committee. In 1998 that had been the situation with regard to the section of the omnibus resolution concerned with Guam.

20. Mr. DAUSA CESPEDES (Cuba) said that his delegation could support the adoption of the draft resolution in its current form, with the inclusion of section XI, paragraphs 4 to 7.

21. Mr. ZAEMSKIY (Russian Federation) said that his delegation had no problems with the paragraphs in question. However, it believed that the consultations with the administering Powers must either be completed within the Special Committee, or begun when the Fourth Committee took up the issue.

22. Mr. TANOH-BOUTCHOUÉ (Côte d'Ivoire) said that the Committee always strove for consensus, but it was also necessary to have regard for deadlines. His delegation would not object to the adoption of the draft resolution in its current form.

23. Mr. SINHA (India) said that his delegation had no problems with the second preambular paragraph or with paragraphs 4 to 7. He wondered whether there had been any contact with the United States delegation in the interval between the informal consultations – at which his delegation had not been present – and receipt of the letters annexed to aide-mémoire No. 21/99. If a consensus could be achieved now, there would be no need to wait until the Fourth Committee began its work.

24. The CHAIRMAN informed the Special Committee that the revised text of paragraphs 4 to 7 had been sent to the United States delegation with a request for a response by 6 p.m. on 16 July. The United States delegation had provided its own wording for the second preambular paragraph and the current text was the result of combining that wording with the original text contained in document A/AC.109/1999/L.15.

25. Mr. Corbin had not participated in the informal consultations, although he had been heard by the Special Committee. He had not touched on financial matters directly. The United States delegation favoured deleting paragraphs 4 to 7. The Special Committee must decide how to respond.

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26. Mr. TANOH-BOUTCHOUÉ (Côte d'Ivoire) wondered whether the Special Committee would try to achieve a consensus.

27. Mr. EGUIGUREN (Chile) said that naturally the best thing would be to achieve a consensus. Clarification of the opinion of the United States of America would help. It appeared that paragraph 5 occupied a special place amongst the paragraphs under discussion as it concerned the political development of the Territory. In principle, it should be made one of the first operative paragraphs. There was no objection to achieving a consensus on paragraphs 4, 6 and 7.

28. The CHAIRMAN said that the question remained how to deal with the letter from the Governor of the United States Virgin Islands contained in aide-mémoire No. 21/99. If all governors or supreme elected bodies of the Non-Self-Governing Territories wrote letters in that tenor, the Special Committee would have nothing to do. In fact, the letter disputed the Special Committee's mandate and prerogatives.

29. Mr. MEKDAD (Syrian Arab Republic) said that the United States delegation had been given an opportunity to present its response. It would, of course be good if everything could be agreed upon right away, but there was a question of time: the draft resolution must be decided upon immediately if the Secretariat was to be able to draw up the whole technical part. He called on the Special Committee to adopt the draft omnibus resolution in its current form and, if it subsequently proved necessary to conclude any additional agreement on any point, there would be time to do so before the fifty-fourth session of the General Assembly.

30. Mr. TANOH-BOUTCHOUÉ (Côte d'Ivoire) said he was in complete agreement with the Chairman's assessment of the Governor's letter. The financial aspects were part of the information which the Special Committee must take into account if its decisions were to be correct. If paragraphs 4 to 7 were deleted from the draft resolution, he wondered what would be left.

31. The CHAIRMAN said that, to all appearances, the only reason for the reservations of the United States delegation was the letter from the Governor of the United States Virgin Islands. If the Special Committee recognized that letter as sufficient grounds for deleting paragraphs 4, 6 and 7, it would create a precedent that cast a doubt on the Special Committee's mandate.

32. Mr. EGUIGUREN (Chile) said that, in his opinion, the problem raised by the Chairman would hardly arise. It was important for the Special Committee to take into account the opinions of governors and supreme elected bodies of the Territories that fell within its jurisdiction. His delegation was prepared to heed the opinion of the United States delegation concerning paragraphs 4, 6 and 7, but the deadlines must also be observed.

33. Mr. SINHA (India) said that he would like to have clarification from the United States delegation. If a consensus was not possible, the draft resolution should be adopted in its current form.

34. Mr. ZAEMSKIY (Russian Federation) said that the Special Committee was wasting time. There were only two options: to agree on a consensus text, or to adopt the draft resolution as it stood.

35. Mr. DUFFY (United States of America) said that without the amendments it had proposed, his delegation would not be in a position to agree to any consensus text.

36. The CHAIRMAN suggested that the Special Committee should adopt draft resolution A/AC.109/1999/L.15/Rev.1 as orally revised.

37. Draft resolution A/AC.109/1999/L.15/Rev.1, as orally revised, was adopted.

DRAFT REPORT OF THE CARIBBEAN REGIONAL SEMINAR (continued) (A/AC.109/1999/CRP.2)

38. The CHAIRMAN drew attention to the draft report of the Caribbean Regional Seminar (A/AC.109/1999/CRP.2).

39. Mr. MEKDAD (Syrian Arab Republic), Rapporteur, introducing the draft report, said that paragraphs 31 to 33 of the conclusions and recommendations in section IV of the draft report should be revised to read:

"31. The participants recommended that the Special Committee should call upon the United States as administering Power to work with Guam's Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination with a view to facilitating Guam's decolonization and to keep the Secretary-General informed of progress to that end;

"32. The Special Committee should request the administering Power for Guam, in cooperation with the territorial Government, to continue to transfer land to the people of the Territory;

"33. The United Nations should further request the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the immigration issue;"

40. He hoped that the draft resolution would be adopted by consensus.

41. Mr. SINHA (India) noted with satisfaction that agreement had been achieved on the conclusions and recommendations of the Seminar and said that the draft report was ready for approval. He suggested an amendment to the first line of paragraph 2 of the conclusions and recommendations of the Seminar: the phrase "In the process of decolonization" should be replaced by the more specific wording "In this process of decolonization".

42. Mr. ZAEMSKIY (Russian Federation) said that his country favoured adopting the recommendations contained in the draft report; however, the text, which would reflect the Special Committee's official position, needed major editorial work.

43. His delegation insisted that that should be done; the way the process of agreeing the draft omnibus resolution had unfolded showed that that approach was desirable. The inclusion in the draft resolution of a whole series of provisions which had had to be revised and corrected once again demonstrated the correctness of the approved United Nations system whereby any ideas, even the most brilliant, expressed by independent experts or representatives of non-governmental organizations must necessarily go through the procedure of being agreed upon by Member States before they acquired the status of recommendations of the Organization. That outcome should be viewed as an important precedent for the future.

44. Mr. MEKDAD (Syrian Arab Republic), Rapporteur, said that he fully supported the amendment suggested by the representative of India.

45. The CHAIRMAN said that if he heard no objection, he would take it that the Special Committee wished to adopt the draft report of the Caribbean Regional Seminar, as orally revised and amended.

46. The draft resolution, as orally revised and amended, was adopted.

DRAFT REPORT OF THE SPECIAL COMMITTEE (continued)

47. The CHAIRMAN, referring to the decision taken by the Special Committee at its 3rd meeting, suggested that the Rapporteur should be authorized to reformulate the resolutions and decision of the Special Committee into the General Assembly format; to reorganize and simplify the format of the Special Committee's draft report and to submit those documents direct to the General Assembly.

48. It was so decided.

The meeting rose at 11.45 a.m.