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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 3rd meeting

Held at Headquarters, New York, on Monday, 7 June 2004, at 10 a.m.

Chairman: Mr. Aisi..... (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.*

Requests for hearings (aide-mémoires 7/04 and 8/04)

2. **The Chairman** drew attention to the request for a hearing on the question of Western Sahara, contained in aide-mémoire 7/04. If he heard no objection, he would take it that the Committee wished to accede to that request.
3. *It was so decided.*
4. **The Chairman** drew attention to the request for a hearing on the question of Gibraltar, contained in aide-mémoire 8/04. If he heard no objection, he would take it that the Committee wished to accede to that request.
5. *It was so decided.*

Question of the dissemination of information on decolonization (A/AC.109/2004/18 and A/AC.109/2004/L.4)

6. **Ms. Gastaut** (Department of Public Information (DPI)) presented the DPI report on the dissemination of information on decolonization during the period from June 2003 to May 2004. She said that the Department was preparing an addendum to the report with further information on relevant activities carried out during the period from mid-March to June 2004.
7. Referring to the content of the report, she observed that thanks to the reorientation and restructuring of DPI, the Organization had been able to move closer to attaining a key goal of the Secretary-General's reform proposal: enhancing the scope of public information. The Department based its activity on the view that, as the Secretary-General had pointed out, revitalizing public confidence in the Organization was the main priority. Implementation of the measures proposed by the Secretary-General in September 2002 for reforming the Organization had led to a comprehensive and broad-based restructuring of the Department. As a result, it had undergone a thorough transformation, which had included remoulding its mission statement and developing a new operational model and organizational structure. DPI had introduced a new strategic approach based on the goals of delivering service to the clients, broadening system-

wide coordination and reassessing work effectiveness. As part of its reform and the reorientation of its activity, the Department actively applied new work methods — of key importance to the solution of existing problems — described in Secretary-General's report entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387). DPI steadfastly continued to address the problems encountered in implementing effective and targeted information programmes, inter alia in the area of decolonization.

8. Having outlined the report's main position, the speaker assured the Committee that DPI would continue to take all measures necessary for promoting public awareness and understanding of the Organization's activity in the area of decolonization, particularly within the context of the Second Decade for the Eradication of Colonialism.

9. **Ms. Theofilopoulou** (Department of Political Affairs (DPA)) said that during the period reviewed the Department, in cooperation with DPI, had continued to disseminate information on decolonization to encourage steps towards self-determination in the remaining Non-Self-Governing Territories. In order to collect information on the Territories, the Department continuously solicited the cooperation of the administering Powers and sought out relevant reports in the media and on relevant web sites. It also routinely collected, processed and provided information on decolonization issues to Member States, representatives from the Territories, schools, organizations and individuals.

10. In response to numerous queries from individuals and organizations in the Non-Self-Governing Territories concerning the Organization's role in decolonization, the work of the Special Committee, the options available to the Territories regarding their future status, and the assistance for which they were eligible, DPA's Decolonization Unit, in close cooperation with DPI, had prepared a new brochure entitled "The United Nations and Decolonization, Questions and Answers". A very helpful source of information, the brochure would be distributed in annual seminars and also in meetings of the Committee in New York.

11. Earlier in the year, the Decolonization Unit had decided to run its own web site on decolonization. In the past, representatives of the peoples in Non-Self-Governing Territories had indicated that the

dissemination of information on United Nations activities on decolonization issues had not been broad enough. The new web site could help to fill that information gap. The site was being expanded and kept up to date and already contained a significant volume of new information that could be of great interest to the peoples in Non-Self-Governing Territories. Moreover, DPA continued to provide updated information to DPI's Public Inquiries Unit and Guided Tours Unit to enable them to reply to specific questions on decolonization matters. In the previous year, DPA had also contributed to the renovation of stands with decolonization maps, set up along the itinerary of guided tours. The maps reflected changes that had occurred in the world since 1945. Furthermore, DPA had participated in updating the chapter on decolonization in the DPI publication entitled *Basic Facts about the United Nations*.

12. DPA had continued to expand its roster of individual experts, academics and organizations dealing with decolonization and the situation in the Territories. The roster was helpful in bringing participants — especially experts from the regions concerned and specialists dealing with their problems — to regional seminars, which helped to obtain information on the relevant issues. The seminar set up in May 2004 as part of the Second International Decade for the Eradication of Colonialism had highlighted the need for the Special Committee to actively embark on a public awareness campaign to make the options for self-determination better understood among the people in the Territories of. The resulting new challenges faced by the Organization in the area of dissemination of information entailed for DPA tasks that the Department would do its utmost to carry out in close cooperation with the DPI and by making optimal use of the resources earmarked for such activities.

13. **Mr. Gual** (Cuba) said that the statements made by the representatives of DPI and DPA had confirmed the key importance of disseminating information on decolonization and of the role that the United Nations was called upon to play through the use of various media, including the Internet and radio broadcasting. Continuing that work was crucial inasmuch as the major media scarcely paid any attention to the subject.

14. The information on decolonization issues posted on the web site should appear in all six official languages of the Organization. Furthermore, the United

Nations radio broadcast service should make use of the current session of the Special Committee in order to highlight its work and promote public awareness of the content of the statements made by the delegations and the petitioners.

15. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) welcomed the Secretariat's effort to introduce modern public information and communication technologies, using in particular the Internet, but observed that the Internet was inaccessible to the majority of the people targeted by efforts to disseminate information on decolonization issues. The radio was the basic source of information for the population of Non-Self-Governing Territories. The Secretariat should develop more radio broadcasts providing information, inter alia in local languages, on the options for self-determination available to those peoples.

16. **The Chairman** stressed that, while using modern public information and communication technologies, such as the Internet, the Secretariat should not lose sight of the more broadly established mass media, such as the radio.

17. **Ms. Joseph** (Saint Lucia) said that the issue of dissemination of information on decolonization was essential not only to the Committee, but also to the inhabitants of the Territories. Such information enabled the Committee to better understand the situation on the ground and ensure that the population of the Territories were informed about the available options and the political process. While the creation of the decolonization web site was welcome, its content should be constantly updated with analytical work, such as papers drawn up by experts for the regional seminars.

18. **The Chairman** said that since the draft resolutions contained in documents A/AC.109/2004/L.4-L.6 had been circulated on the day of the meeting, he wished to obtain the consent of the members of the Committee for suspending rule 120 of the General Assembly Rules of Procedure under which no proposal should be discussed or put to the vote at any meeting of the Committee, unless copies of it had been circulated to all delegations not later than the day preceding the meeting. If he heard no objection, he would take it that the Committee wished to accept that proposal.

19. *It was so decided.*

20. **The Chairman** drew attention to the draft resolution contained in document A/AC.109/2004/L.4 and invited the Committee to adopt it without a vote.

21. *Draft resolution A/AC.109/2004/L.4 was adopted.*

22. **The Chairman** said that the Committee had completed its consideration of the item.

Question of information from Non-Self-Governing Territories transmitted under Article 73 (e) of the United Nations Charter (A/AC.109/2004/L.5 and A/59/71*)

23. **The Chairman** drew attention to document A/59/71*, which contained information transmitted by the administering Powers under Article 73 (e) of the United Nations Charter. That information would enable the Committee to examine thoroughly the situation in the Non-Self-Governing Territories.

24. He also drew attention to the draft resolution contained in document A/AC.109/2004/L.5 and invited the Committee to adopt it without a vote.

25. *Draft resolution A/AC.109/2004/L.5 was adopted.*

26. **The Chairman** said that the Committee had completed its consideration of the item.

Question of sending visiting missions to Territories (A/AC.109/2004/L.6)

27. **The Chairman** drew attention to the draft resolution contained in document A/AC.109/2004/L.6 and invited the Committee to adopt it without a vote.

28. *Draft resolution A/AC.109/2004/L.6 was adopted.*

29. **The Chairman** said that the Committee had completed its consideration of the item.

Question of Western Sahara (A/AC.109/2004/4)

30. **The Chairman** drew attention to the working document drawn up by the Secretariat on the question of Western Sahara and contained in document A/AC.109/2004/4.

Hearing of a petitioner

31. *At the invitation of the Chairman, Mr. Boukhari (Frente POLISARIO) took place at the petitioners' table.*

32. **Mr. Boukhari** (Frente POLISARIO) noted that after the Committee's last ordinary session in the previous year, the Secretary-General and Mr. James Baker III, the Secretary-General's Personal Envoy for Western Sahara, had submitted to the Security Council the Peace plan for the self-determination of the people of Western Sahara, also known as "Baker Plan II", which provided for a five-year transitional period to be followed by a referendum on the final status of the Territory.

33. Three choices would be offered on the ballot for the referendum: integration of Western Sahara with Morocco, independence for the Territory or maintenance of the status adopted for the transitional period. The Council had unequivocally supported the Peace plan. In its resolution 1495 (2003) of 31 July 2003 on the matter, the Council had requested both parties to accept and implement the plan as an optimum solution.

34. Despite weaknesses in the Plan, particularly the provision allowing some of the Moroccan settlers to vote on the referendum on an equal footing with the native inhabitants of the Territory, the Frente POLISARIO had officially declared its readiness to implement the Plan. Morocco, however, had repudiated it from the start, insisting that the attainment of independence by the Territory should be excluded as an option from the referendum. When Morocco's attempts to persuade the United Nations to renounce the principle of self-determination in connection with the question of the decolonization of Western Sahara had failed, Morocco had officially informed the Secretary-General and Mr. Baker of its definitive rejection of the Peace plan.

35. It should be recalled that the Moroccan regime had also opposed the implementation of the Settlement plan, a peaceful initiative proposed in 1990-1991, ultimately rejecting it, after having initially accepted it. Thereby Morocco had shown that for years it had simply let the United Nations believe that it had agreed on calling a referendum.

36. Morocco's rejection of the latest Baker plan constituted conclusive evidence that Morocco's acceptance presupposed, as an exclusive option, the proclamation of Moroccan sovereignty over the Territory, although neither the United Nations nor the African Union recognized Morocco's claims on Western Sahara.

37. The International Court of Justice at the Hague, in its advisory opinion of 16 October 1975, and the United Nations Office of Legal Affairs, in its legal opinion of 29 January 2002, had dismissed Morocco's claim of sovereignty over Western Sahara, which Morocco had occupied by military force, thereby depriving the people of Western Sahara of its legal right to self-determination.

38. In the same vein, the Secretary-General and his Personal Envoy had considered Morocco's attempts to avoid the application of fundamental principles enshrined in the United Nations Charter in settling a decolonization issue to be unfounded. In paragraph 51 of his 2003 report (S/2003/565), the Secretary-General had informed the Security Council that Morocco's main objection to the Peace plan seemed to be that in the referendum to determine the final status of Western Sahara one of the ballot choices was independence. However, independence had also been one of the two ballot choices under the Settlement plan, which had been accepted by Morocco. The report further said that it was difficult to envision a political solution that, as required by Security Council resolution 1429 (2002), would provide for self-determination but would preclude the possibility of independence as one of several ballot questions.

39. In his next report on the issue (S/2003/1016), the Secretary-General had invited the occupying Power not to reject the Peace plan and proposed a fair and balanced approach to the question of Western Sahara. Moreover, the report had noted that the agreement of the Frente POLISARIO to implement the peace plan had paved the way to settling the dispute. The report also was expressed hope that by the end of January 2004 the Kingdom of Morocco would be in a position to engage positively in implementing the plan.

40. Despite the Secretary-General's and the Security Council's appeals, the Government of Morocco had notified the United Nations of its definitive decision to reject the Peace plan. Mr. Baker and the Secretary-General, however, considering the plan a fair and balanced approach to the dispute over Western Sahara, had concurred to give Morocco six more months to reconsider its position.

41. In the meantime, human rights violations, torture, arbitrary imprisonment and physical elimination of Saharawis were occurring in the occupied territories. The latest report by "Amnesty International" confirmed

that hundreds of Saharawis had disappeared without any trace since 1976. As for Morocco, it had declined to cooperate in investigations into the fate of those persons.

42. Moreover, Morocco was turning over Western Sahara's natural resources — especially phosphates and fishing resources — to foreign companies, including, for instance, corporations such as Kerr Mac Gee of the United States and TotalFinaElf of France, with which illegal contracts had been concluded, while attempts were made to entice especially European and Canadian companies to exploit Western Sahara's potential-energy and coastal resources. Such steps could only complicate the decolonization process.

43. Three decades earlier, on 31 October 1975, in violation of international legality and ignoring the recommendations of the mission sent by the Special Committee to Western Sahara in May 1975 and a ruling of the International Court of Justice (ICJ), Moroccan troops had invaded and occupied Western Sahara. During those 30 years, the Saharawi people had engaged in an ongoing combat against colonial aggression, defending their inalienable rights to freedom and independence.

44. The Saharawi people were determined to pursue their fight until the full exercise of their internationally recognized right to self-determination was ensured. Unfortunately, experience had shown that the resolutions of the Committee, the General Assembly and the Security Council meant nothing to Morocco. The Saharawi people continued to suffer, as the Moroccan regime flouted principles and resolutions that the members of the Committee considered essential to international peace and security. Perpetuation of such a situation undermined confidence in the international system.

45. The Special Committee had a responsibility to promote decolonisation, particularly in the case considered, which had resulted from aggression. The Committee should take all appropriate steps to ensure that Western Sahara would not be excluded from the application of the principle established in General Assembly resolution 1514 (XV) of 14 December 1960. More active participation of the Committee in resolving the dispute would strengthen the efforts undertaken by the Security Council and the General Assembly. Accordingly, the Committee should not adopt a neutral stance but defend the principles and

goals that had given birth to the Committee. It should resolutely bring home to the colonial Power that it must comply with international law and allow the conduct of a fair and free referendum for self-determination to enable the Saharawi people to realize their inalienable right to decide on their own fate.

46. In conclusion, the speaker requested the Committee to send a mission to the Territory, the Saharawi refugee camps and the region in order to assess the situation some 30 years after the 1975 mission report. The presence of such a mission, sent by the Special Committee, would send a clear signal that the decolonization process was still on the United Nations agenda and should be successfully completed.

47. *Mr. Boukhari withdrew.*

48. **Mr. Gual** (Cuba) said that his delegation had taken note of the Frente POLISARIO's interesting proposal for a Special Committee visiting mission to the area and recalled that 29 years earlier the Committee had also sent a mission to Western Sahara. The report of that mission had provided at the time an important basis for preparing a number of documents and taking practical measures.

49. It was worth noting that neither the working document drawn up by the Secretariat nor the statement of the representative of the Frente POLISARIO provided any information on any humanitarian assistance programmes undertaken by the United Nations, and in particular the Office for the Coordination of Humanitarian Affairs (OCHA), to help the 100,000 Saharawi refugees, along the lines of the programme carried out by the Office of the United Nations High Commissioner for Refugees (UNHCR).

50. **Mr. Boukhari** (Frente POLISARIO) said that such programmes were implemented in Western Sahara by UNHCR, the World Food Programme (WFP) and some other agencies, but not OCHA. It should be noted, however, that the solution to the problem of Western Sahara did not depend on the scope of humanitarian assistance but on the political settlement of the conflict, in view of the inadmissible fact that the inhabitants of a territory rich in natural resources could not exploit them for their own development. The occupying Power sold those resources to whoever paid most. The scantiness of humanitarian assistance had resulted in an emergency situation that had in fact led the Secretary-General to appeal to countries able to help to provide assistance to the people of Western

Sahara. So far, however, there had been no actual response to his appeals and, as a result, children, nursing mothers and the civil population in general continued to suffer.

51. **The Chairman** invited the Special Committee, in line with any relevant instructions given by the General Assembly at its fifty-ninth session, to complete its consideration of the agenda item decide to transmit all related documentation to the General Assembly in order to contribute to the examination of the item by the Fourth Committee.

52. *It was so decided.*

53. **The Chairman** said that the Committee had completed its consideration of the item.

Other matters

54. **The Chairman** invited the Special Committee in accordance with past practice to authorize the Rapporteur to introduce the draft resolutions and draft decisions in the format specified by the General Assembly for the preparation of Committee reports to be presented to the Assembly at its fifty-ninth session.

55. *It was so decided.*

56. **The Chairman** informed the members of the Committee that, according to the Committee's programme of work and timetable, the question of Gibraltar would be considered at the next meeting. In addition, the representative of the United States Virgin Islands Government had requested to address the Committee at that meeting. Since, under the approved programme of work, the Committee had scheduled to consider the question of small territories on 16 June, the Chairman officially requested the consent of the members of the Committee to proceed with the consideration of that agenda item not on 16 June, as initially planned, but at the following meeting. If he heard no objection, he would take it that the Committee agreed to accede to that request.

57. *It was so decided.*

The meeting rose at 11.30 a.m.