



General Assembly

Fifty-ninth session

Official Records

Distr.: General
23 December 2004
English
Original: French

Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 3rd meeting

Held at Headquarters, New York, on Tuesday, 5 October 2004, at 3 p.m.

Chairman: Mr. Kyaw Tint Swe (Myanmar)

Contents

Agenda item 20: Implementation of the Declaration on the Granting of
Independence to Colonial Countries and Peoples (*continued*)

Agenda item 79: Information from Non-Self-Governing Territories transmitted
under Article 73 *e* of the Charter of the United Nations (*continued*)

Agenda item 80: Economic and other activities which affect the interests of the
peoples of the Non-Self-Governing Territories (*continued*)

Agenda item 81: 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*)

Agenda item 82: Offers by Member States of study and training facilities for
inhabitants of Non-Self-Governing Territories (*continued*)

General debate (*continued*)

Requests for hearings

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04-53551 (E)

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The meeting was called to order at 3.10 p.m.

Agenda item 20: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*) (A/59/23, A/C.4/59/4)

Agenda item 79: Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (*continued*) (A/59/23, chap. VII and XII, A/59/71)

Agenda item 80: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*) (A/59/23, chap. V and XII)

Agenda item 81: 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/59/23, chap. VI and VII, A/59/64)

Agenda item 82: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/59/74)

General debate (*continued*)

1. **Mr. Williams** (United Kingdom) said that the partnership between the United Kingdom and its Overseas Territories continued to develop. The meetings of the Overseas Territories Consultative Council were a forum for dialogue and gave the opportunity for discussion of such important issues as the relationship between the administering Power and its Territories. Over the past year, the Chairman of the Consultative Council had visited the Falkland Islands and the British Virgin Islands in order to discuss a wide range of issues with the elected representatives of those Territories. The United Kingdom welcomed the progress achieved in the constitutional review process, particularly in the cases of Montserrat, Saint Helena, the Turks and Caicos Islands and Gibraltar.

2. The United Kingdom continued to support projects to raise the local capacity of its Territories and promote sustainable development and good governance. The Overseas Territories Environment Programme was funding 23 new projects in 2003-2004,

three of which were multi-Territory initiatives. Those Territories were, moreover, particularly vulnerable to natural disaster; despite good local contingency planning, the Cayman Islands had recently been devastated by Hurricane Ivan and the Turks and Caicos Islands had also suffered extensive damage a few weeks earlier. The United Kingdom, which had provided immediate help, was very grateful to the other countries which had provided assistance on that occasion.

3. Following a decision of the European Union in November 2001, the Overseas Territories were now able to request assistance from the European Commission. The United Kingdom had appointed an official with responsibility for liaising with the Fourth Committee to the Overseas Territories Department of the Foreign and Commonwealth Office with a view to accessing development assistance for Overseas Territories.

4. The United Kingdom continued to cooperate with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee of 24 on Decolonization) concerning the constitutional reform in Papua New Guinea and with a view to delisting Bermuda.

5. **Ms. Joseph** (Saint Lucia), speaking on behalf of the member States of the Caribbean Community (CARICOM), said that seven of the Caribbean Territories were still on the United Nations list of Non-Self-Governing Territories and that CARICOM remained committed to contributing to the fulfilment of their self-determination process, as well as to fostering their integration into its own institutions. In that connection, she pointed out that most of the Caribbean Territories already participated in a number of those institutions, including the Caribbean Disaster Emergency Response Agency, the Organization of Eastern Caribbean States, the Caribbean Single Market and Economy and United Nations bodies such as the Caribbean Development and Cooperation Committee.

6. She regretted the obstacles which continued to impede the universal right of peoples to self-determination, in particular the lack of information on the political options available to them, namely independence, free association and integration with full political rights, which was due to the incomplete implementation of the Plan of Action for the

International Decade for the Eradication of Colonialism. In that regard, she welcomed the regional seminars, which enabled representatives of the Territories and civil society to engage representatives of Member States of the United Nations in discussion, and thanked the Government of Papua New Guinea for having hosted a seminar in 2004.

7. The international community should redouble its efforts to ensure that the Territories could become truly independent and, the United Nations should equally ensure that peoples who remained under colonial determination or foreign occupation were able to exercise their right to self-determination and to make democratic and transparent choices, bearing in mind the pledge contained in the Millennium Declaration. CARICOM endorsed the commitment expressed in that connection by the Movement of Non-Aligned Countries in August 2004 and reaffirmed its support for the people of Western Sahara.

8. CARICOM strongly supported the draft resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, introduced by the Fourth Committee, which would foster capacity development in the Non-Self-Governing Territories and enable them to assume more powers within the framework of their decolonization process, as well as cope with the effects of globalization. She thanked the United Nations Development Programme (UNDP), the Economic Commission for Latin American and the Caribbean (ECLAC), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other United Nations bodies for their consistent support to the Territories. The large number of abstentions carried by that draft resolution in previous years was regrettable. She affirmed, however, that the General Assembly had the authority to request specialized agencies and other United Nations bodies to provide assistance to the Non-Self-Governing Territories.

9. **Mr. Baali** (Algeria) welcomed Timor-Leste's accession to independence and expressed the hope that, one day, the same would be true for Western Sahara, which continued to be fenced in and live under the yoke of colonialism, as had so many other Territories in the past.

10. Western Sahara had adhered to the Settlement Plan proposed by the United Nations, which called for a referendum to be held, allowing the Saharan people

to choose between independence and integration with Morocco, and it had accepted the ceasefire provided for under the Plan. But Morocco had rejected the Plan during the census taken of those eligible to vote, fearing that the outcome of the referendum would be unfavourable to its interests. The Security Council, in resolution 1429 (2002), had then invited the Secretary-General's Personal Envoy, Mr. Baker, to propose a compromise solution. The Peace Plan for Self-Determination of the People of Western Sahara, which had been drawn up and subsequently adopted by Security Council resolution 1495 (2003), proposed that, following free and fair elections, the territory should be managed by the Saharan people, for a four-year period, during which it would remain under Moroccan sovereignty. Subsequently, all those living in Western Sahara, including the Moroccan residents, who were twice as numerous as the Saharan people, would decide on the final status of the territory by referendum. That Plan had been approved by the Frente POLISARIO, but rejected by Morocco. He repeatedly quoted the words of the Secretary-General's Personal Envoy, who had deplored Morocco's about-turns. The Secretary-General had considered it difficult to envisage a political solution that ensured self-determination while excluding the possibility of independence.

11. Western Sahara was a territory that came under General Assembly resolution 1514 (XV) and continued to appear on the list of Non-Self-Governing Territories. It was evident that Morocco occupied the territory illegally, without regard for international legitimacy, as the International Court of Justice had decided in the opinion that it had rendered on the matter. Also, the United Nations Legal Counsel had stated that the Madrid Agreements would not confer the status of Administering Power on any of the signatories and that the international status of Western Sahara as a Non-Self-Governing Territory remained unchanged.

12. The exercise, by the Saharan people, of their right to self-determination in a free referendum remained the only solution to reach a just and final settlement of the question, and the United Nations had a particular responsibility in that respect. Morocco should negotiate with the Frente POLISARIO, as it had in the case of the United Nations Settlement Plan and the Houston Agreements, under the auspices of the Secretary-General's Personal Envoy.

13. Algeria, which had always defended the right of people to decide their own future and supported their struggle for independence, had no intention of speaking on behalf of the Saharan people, who were masters of their own destiny. Aware of the ties that united them to the other peoples of the Maghreb, it would continue to offer its full support to the efforts of the United Nations to reach a solution in accordance with international law that benefited all the countries and peoples of the region.

14. **Mr. Awad** (Egypt) said that the African countries acknowledged the accomplishments of the United Nations in the sphere of decolonization. It was necessary to mobilize the international community so that it supported the decolonization process, and peoples under foreign occupation must be helped in their legitimate struggle to exercise their right to self-determination and achieve independence. The Committee should continue to cooperate with the Department of Political Affairs and the Department of Public Information to achieve those ends. In that respect, he seconded the remarks made by the representative of Saint Lucia, on behalf of the Caribbean Community, in her statement.

15. It was important to enhance the effectiveness of the missions sent by the Special Committee on Decolonization, which were a useful means of assessing the situation in the Non-Self-Governing Territories and considering how to support them in their decolonization process. Consultations should continue between the Special Committee, the administering Powers and the representatives of the Non-Self-Governing Territories to facilitate the work of the missions. Moreover, the administering Powers should provide information on the political, economic and legislative situation in those Territories and submit their reports to the Special Committee promptly.

16. The international community should provide support to strengthen the capabilities of the Non-Self-Governing Territories so as to help them exploit their own resources and resist any interference by the administering Power or other parties. The development of effective mechanisms and the support of the international community were important to help the Territories protect their natural resources and cultural heritage.

17. Given the geographical situation and difficult climatic conditions of most Non-Self-Governing

Territories, the input of the specialized institutions was needed to ensure the implementation of socio-economic development projects with a sustainable development focus, and to strengthen the capabilities of the Territories to deal with natural catastrophes and manage their marine resources. Activities in the area of education, professional training and developing communications were also of great importance to respond to the new development-related needs of the Territories.

18. It was also necessary to continue organizing regional seminars on decolonization. They provided an opportunity for dialogue between the administering Powers and the Special Committee, in order to ensure the effectiveness of the decolonization process and maintain effective monitoring mechanisms within the framework of the Committee and under the supervision of the General Assembly.

19. **Mr. Koonjul** (Mauritius), referring to the exercise of the right to self-determination of the people of Western Sahara, said that his delegation was concerned that, 11 years after the acceptance of the Settlement Plan and the referendum, the conflict in Western Sahara remained unresolved and self-determination for the people of Western Sahara was not yet in sight.

20. For seven years, the Secretary-General's Personal Envoy, Mr. Baker, had held extensive consultations with all the parties concerned, injecting pragmatism and political courage into the search for new ways to resolve the dispute. The Peace Plan for Self-Determination of the People of Western Sahara (S/2003/565, annex II) proposed by him, which consisted of a five-year transitional period followed by a referendum, had been a good basis for a political solution to the conflict, although it had further delayed the self-determination of the people of Western Sahara. That side had in fact decided to accept the Peace Plan, even though it was at odds with the Settlement Plan, thereby offering a window of opportunity for resolving the dispute. The refusal of the Peace Plan by one of the parties had brought all concerned back to square one, and the process was therefore at an impasse once again.

21. His country understood the frustration of the Saharan people but urged them to exercise restraint and refrain from taking any action that could further jeopardize the chances of a peaceful solution. His delegation equally appealed to the Moroccan side to

reconsider its position and show its commitment to a peaceful solution through flexibility and understanding. That being said, any resolution of the conflict would need to be based on the principle of self-determination.

22. His country reiterated its support for the Settlement Plan and any other political initiative that was acceptable to all the parties concerned and would help to take the process forward towards a durable solution of the conflict, and encouraged the Secretary-General and his Special Representatives to continue their efforts in that regard. It was hoped that the Committee's resolution on the question of Western Sahara would be adopted by a consensus.

23. **Mr. Rastam** (Malaysia) recalled that, while decolonization was perhaps one of the greatest success stories of the United Nations, the fact that there were still 16 Non-Self-Governing Territories served as a reminder that decolonization was incomplete. As the mid-point of the Second International Decade for the Eradication of Colonialism approached, the international community must redouble its efforts in order to bring the process to a successful conclusion. In that regard, his country congratulated Papua New Guinea for hosting the Pacific Regional Seminar on Decolonization in May 2004. The seminar, which had been conducted within the framework of the Decade, continued to be an effective forum for discussing matters of concern to the Non-Self-Governing Territories and had also provided an opportunity for representatives of those Territories to present their views and recommendations.

24. Many Territories had made considerable progress in their political, constitutional, economic and social development and had gone a long way towards self-government. The question was therefore one of finding the appropriate format and timing for the completion of decolonization in each of them. The role of the Committee and the United Nations was crucial in that respect. The administering Powers too had an important role to play, particularly with regard to their participation in the work of the Special Committee on Decolonization. His country called upon them to approach the task at hand in a spirit of cooperation, understanding, political realism and flexibility. More United Nations visiting missions to the Territories should be organized, as a means of collecting first-hand information on their situation and on the aspirations of their peoples concerning their future

status. Likewise, more seminars should be hosted in the Territories in order to receive and disseminate information on their situation. In that regard, the outcome of initial contacts between the Committee, the United Kingdom Government and the Bermudian authorities concerning the possibility of organizing a similar seminar in Bermuda in 2005 was encouraging.

25. At their XIII Conference held in Kuala Lumpur in February 2003, the heads of State or Government of the member countries of the Non-Aligned Movement, of which his country was currently Chair, had reaffirmed the inalienable right of the peoples of Non-Self-Governing Territories to self-determination and independence, regardless of the Territories' size, geographical location, population and natural resources. The Non-Aligned Movement remained committed to hastening the complete elimination of colonialism and supported the effective implementation of the Plan of Action of the Second International Decade for the Elimination of Colonialism. It had also reaffirmed the right of all peoples who had been or still were subjected to colonial rule or foreign occupation to receive compensation for the human and material losses that they had suffered as a result.

26. His country supported the continued existence of the Special Committee on Decolonization and believed that it should continue to receive the human and financial resources that it needed to carry out its work.

27. **Mrs. Asmady** (Indonesia) said that her delegation was pleased to note that, as the halfway mark of the Second International Decade for the Eradication of Colonialism approached, there was a new urgency to bring a speedy end to colonialism in the 16 remaining Non-Self-Governing Territories.

28. Her country endorsed the Special Committee's proposal that a midterm review of the implementation of the Second Decade should be undertaken in 2005 and supported its recommendation, in February 2004, that the General Assembly should renew its appeal to the administering Powers to become involved in its work. In particular, they should actively participate in the work relating to the Territories under their mandates and allow representatives of the Territories concerned to participate in the Special Committee's discussions.

29. Her country had always shared the view that the Non-Self-Governing Territories could not be decolonized according to the same criteria and was

therefore in favour of a case-by-case approach. Such a task called for the cooperation of all the parties involved, including the United Nations bodies, which should cooperate further among themselves, particularly with regard to implementing manpower and educational development programmes in the Territories. Such programmes would help to meet the needs of the peoples of the Territories when they could finally exercise their right to self-determination. Her delegation hoped that the Committee would be able to cooperate with the United Nations specialized agencies in that respect.

30. **Mr. Ononye** (Nigeria) said that his country supported the principle of self-determination, as enshrined in the Charter, and was committed to all actions that were consistent with the Charter and aimed to completely eliminate colonialism. In that regard, he commended the innovative approach adopted by the Special Committee on Decolonization and the declaration of the Second International Decade for the Eradication of Colonialism, but called on the international community, particularly the various administering Powers, to speed up the independence process for those territories still under colonial administration.

31. With respect to Western Sahara, his country reaffirmed its support for the United Nations/African Union-sponsored MINURSO referendum process. The United Nations/African Union Settlement Plan, the basis for his country's participation in MINURSO, was the only way of guaranteeing that the people of Western Sahara could exercise their right to self-determination. He also reiterated his delegation's support for Security Council resolution 1429 (2002), in which the Security Council declared that it supported the efforts of the Secretary-General and his Personal Envoy to find a political solution to the dispute, invited the latter to pursue those efforts, taking into account the concerns expressed by the parties, and expressed its readiness to consider any approach which provided for self-determination that may be proposed by the Secretary-General and his Personal Envoy. He also endorsed the statement made by the representative of Algeria concerning Western Sahara and, like her, thought in particular that the opinion of the International Court of Justice on the question must be respected.

32. His country welcomed the measures taken by the United Nations to enhance the economic and social

status of the people of Non-Self-Governing Territories, ensure the dissemination of information on decolonization and award scholarships to citizens of those Territories.

33. **Mr. Kumalo** (South Africa) said that, despite the international community's endless efforts to resolve the situation in Western Sahara, the struggle of the people of that Territory for self-determination continued. In his report on the question (A/59/134), the Secretary-General recalled the many steps taken by the United Nations to resolve the matter. His Personal Envoy had held various meetings with the Moroccan side on the Peace Plan for Self-Determination of the People of Western Sahara in particular. In April 2004, Morocco had delivered its final response to the Plan which, while expressing a willingness to continue to work to achieve a political solution to the conflict over Western Sahara, would have required the parties to negotiate a solution based on autonomy within the framework of Moroccan sovereignty. The response by Morocco indicated an unwillingness to allow the people of Western Sahara to exercise their right to self-determination. Because of its history, his country found the situation rather unfortunate and was troubled by the consequences of that decision for the people of Western Sahara, given that Morocco was, in essence, declaring that they would be deprived permanently of their right to self-determination. His delegation hoped that the international community would not accept that any people should be denied that most fundamental of human rights.

34. If his country were to remain silent on the suffering of the Saharan people, it would constitute an unacceptable betrayal of its own freedom struggle and of the solidarity that Morocco had extended to his country during its own struggle for self-determination. South Africa was therefore honoured that the Saharan Arab Democratic Republic had established diplomatic ties with it and that Saharan representatives were fully participating in the African Union's Pan-African Parliament, which was located in his country.

35. In his report on the question, the Secretary-General had indicated that, given those facts, only two options had been left. Option one would be to terminate MINURSO after 13 years. Option two would be to try once again to induce the parties to work towards implementation of the Peace Plan. His delegation agreed with the Secretary-General that the United Nations must not give up in working towards a

negotiated implementation of the Peace Plan for Western Sahara. The Security Council had long endorsed a solution to the crisis, which would be to allow the Saharan people to choose their own destiny in a free, fair and transparent referendum. In fact, a referendum was the only way for them to freely determine their future.

36. His country noted the role played by MINURSO under difficult circumstances and commended efforts to enforce the ceasefire agreement and finalize the identification process. The completion of that process was proof that, if a referendum were held, there would be a ready mechanism to ensure that the Saharan people could exercise their democratic right to choose their destiny.

37. For ten years, his country had postponed recognition of Western Sahara in the hope that there would be a negotiated peaceful solution to the conflict. However, when Morocco had announced its final decision that the freedom of Western Sahara was not negotiable, his country had had no choice but to reconsider its decision on the recognition of the Saharan Arab Democratic Republic.

38. **Mr. Dabbashi** (Libyan Arab Jamahiriya) said that his country had been the first to attain independence through the United Nations and was therefore aware of the important role played by the Organization concerning the self-determination and independence of people under foreign occupation. His country believed that the right to self-determination was a sacred principle and had therefore assisted many countries in their struggle for freedom. Those countries were today States Members of the United Nations and were helping to eradicate colonialism and promote international peace and security.

39. The General Assembly's adoption of resolution 1514 (XV) in 1960 had been a turning point in the struggle against colonialism. In the three decades that had followed, more than half the States Members of the United Nations had gained independence. In 1991, in resolution 46/181, the Assembly had adopted a plan of action for the first International Decade for the Eradication of Colonialism; considerable progress had been made on decolonization during that decade, particularly in Africa. Four years had passed since the Assembly, in resolution 55/146, had declared the Second Decade, but, regrettably, no tangible progress had been made in implementing the plan of action. The

administering Powers had expressed good intentions towards the people of Non-Self-Governing Territories and must now take serious measures to enable them to exercise their right to self-determination and assist them in establishing the infrastructure and institutions necessary for them to manage their own affairs and realize their aspirations. The administering Powers must cooperate with the Special Committee on Decolonization to ensure the implementation of the relevant United Nations resolutions; the organs and specialized agencies of the United Nations must also continue their efforts to enable the people of Non-Self-Governing Territories to freely choose their destiny. Neither the small size and limited resources of those Territories, nor their geographical location, must be allowed to hinder that process.

40. His delegation warned against the harmful consequences of foreign economic and military activities in the Non-Self-Governing Territories. The resources in those Territories belonged to their own people and must therefore be exploited by them. The administering Powers must also stop conducting military manoeuvres in the Territories and refrain from using them as bases or to launch attacks against other countries.

41. As a number of delegations had pointed out, 16 Territories and millions of people remained under colonial rule; however, it must also be remembered that several more million people were still suffering under foreign occupation and were denied the exercise of their right to self-determination and independence. The Palestinian people, in particular, whose territory was occupied, were victims of the most brutal crimes; the Security Council had shown itself to be incapable of protecting them and the international community remained silent.

42. His country supported the international community's efforts to examine the last pockets of foreign occupation and colonialism, as well as those made by the Special Committee on Decolonization in that regard, and called on all States and the international organizations concerned to cooperate in order to achieve those objectives.

43. **Mr. Saranga** (Mozambique) said that, since the adoption by the General Assembly of the historic resolution 1514 (XV) in 1960, over 60 territories had been decolonized and millions of people had been able to exercise their inalienable right to self-determination.

However, the goal of complete decolonization had not yet been attained, since 16 Non-Self-Governing Territories were yet to exercise their right to self-determination. Given the need to ensure complete decolonization throughout the world, the General Assembly had declared the period 2001-2010 the Second International Decade for the Eradication of Colonialism. At the mid-point of the Decade, development with regard to the Non-Self-Governing Territories were encouraging, with the increased interaction among the various interested parties. In that context, it was particularly helpful to hold seminars for disseminating information on the issue of self-determination and decolonization so that residents of Non-Self-Governing Territories could decide freely and in an informed manner on their own fate.

44. Mozambique was concerned about the situation in Western Sahara, where prospects for self-determination appeared to have reached a stalemate. The prevailing situation was delaying the implementation of the Peace Plan proposed by the United Nations, thus denying the people of Western Sahara the opportunity to determine their future. The implementation of the Peace Plan was critical to reaching an acceptable solution, in particular the holding of a referendum on self-determination. It was therefore vital for the parties to work hard to ensure that a lasting solution was soon achieved.

45. The people of Palestine also deserved to live in an independent state side by side with Israel. Palestinians and Israelis must work together to turn that vision into a reality by fulfilling their commitments under the road map and the relevant General Assembly and Security Council resolutions.

46. **Mr. Williams** (United Kingdom), speaking in exercise of the right of reply, referred to remarks made at the previous day's meeting by the representatives of Brazil, Paraguay, Cuba and Venezuela on the sovereignty of the Falkland Islands. The United Kingdom's position on that issue was well known and had recently been set out in detail by its Permanent Representative to the United Nations in a written right of reply to the statement made by President Kirchner of Argentina to the General Assembly on 21 September 2004.

Requests for hearings

47. **The Chairman** said that the Committee had before it a number of communications containing requests for hearings. The first request (A/C.4/59/2) concerned the question of Gibraltar.

48. Since he heard no comments, he took it that the Committee decided to grant the request.

49. *It was so decided.*

50. The 22 requests contained in documents A/C.4/59/3 and Add.1-21 dealt with the question of Western Sahara. In that connection, he drew the Committee's attention to document A/C.4/59/3/Add.17. He had been informed that Ms. Hilt Teuwen had been replaced by Ms. Greet de Causmaecker of the Belgian Committee in Support for Western Sahara.

51. Since he heard no comments, he took it that the Committee agreed to the change and decided to grant the request.

52. *It was so decided.*

53. Since he heard no comments on the remaining requests for hearings contained in documents A/C.4/59/3/Add.1-16 and Add.18-21, he took it that the Committee decided to grant them

54. *It was so decided.*

The meeting rose at 4.50 p.m.