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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 1472nd MEETING

Held at Headquarters, New York,
on Thursday, 12 June 1997, at 10 a.m.

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| <u>Chairman:</u> | Mr. SAMANA | (Papua New Guinea) |
| later: | Mr. AL-ATTAR (Rapporteur) | (Syrian Arab Republic) |

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The meeting was called to order at 10.40 a.m.

ADOPTION OF THE AGENDA

1. The agenda was adopted.

REQUESTS FOR HEARINGS (aides-mémoires 6/97, 7/97 and 11/97)

2. The CHAIRMAN drew attention to the requests for hearings contained in aides-mémoires 6/97, 7/97 and 11/97 relating to Guam, the Turks and Caicos Islands and the United States Virgin Islands, respectively.

Question of Guam (aide-mémoire 6/97)

3. The CHAIRMAN said he took it that the Committee agreed to accede to the requests for hearings contained in aide-mémoire 6/97.

4. It was so decided.

Question of the Turks and Caicos Islands (aide-mémoire 7/97)

5. The CHAIRMAN said he took it that the Committee agreed to accede to the request for a hearing contained in aide-mémoire 7/97.

6. It was so decided.

Question of the United States Virgin Islands (aide-mémoire 11/97)

7. The CHAIRMAN said he took it that the Committee agreed to accede to the request for a hearing contained in aide-mémoire 11/97.

8. It was so decided.

QUESTION OF SENDING VISITING MISSIONS TO TERRITORIES (A/AC.109/L.1859 and L.1860)

9. The CHAIRMAN drew attention to the Chairman's report on the question of sending visiting missions to Territories (A/AC.109/L.1859) and to a draft resolution on that issue (A/AC.109/L.1860).

10. Draft resolution A/AC.109/L.1860 was adopted without a vote.

CONSIDERATION OF THE QUESTIONS OF AMERICAN SAMOA, ANGUILLA, BERMUDA, THE BRITISH VIRGIN ISLANDS, THE CAYMAN ISLANDS, GUAM, MONTserrat, PITCAIRN, ST. HELENA, TOKELAU, THE TURKS AND CAICOS ISLANDS AND THE UNITED STATES VIRGIN ISLANDS

Question of Guam (A/AC.109/2086 and aide-mémoire 6/97)

11. At the invitation of the Chairman, Ms. Torres Souder and Mr. Forbes (Guam) took places at the Committee table.

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12. Ms. TORRES SOUDER (Public Member, Guam Commission on Self-Determination), speaking on behalf of the Governor of Guam, expressed concern that consultations between the Special Committee and the administering Powers had led to changes in the languages of the Committee's resolutions. Some administering Powers apparently viewed communications from the Non-Self-Governing Territories to the Special Committee and the Fourth Committee as unofficial and illegitimate, when the views of the peoples concerned should in fact be paramount. In Guam's case, the Mission of the administering Power had not only provided misleading and inaccurate information to the Special Committee but had also misrepresented the views of the people of Guam. Its misrepresentations had formed the basis for several of the changes made in so-called "consensus" resolution 51/224. The language of the earlier resolutions on the subject should be used as the basis for discussions in 1997. To that end, she was submitting for the Committee's consideration draft language which restored the integrity of the section of the resolution concerning Guam. At the same time, she welcomed the Committee's reluctance to accept all the administering Power's views at face value and its continuing willingness to allow the people of Guam to express their views at its regular meetings and regional seminars. The process of openness long fostered by the Committee, should be built upon. The people of Guam shared fully the view expressed at the Committee's recent Caribbean Regional Seminar that representatives of the Non-Self-Governing Territories should be accorded observer status at the United Nations.

13. The Guam Commonwealth Act adopted by the people of Guam in 1987 called on the administering Power to adopt a plan that would permit self-determination for the colonized people of the Territory. That was the only specific proposal under consideration by any party that would effect Guam's decolonization. Despite negotiations in good faith with the representatives of two successive United States Administrations, there had been no change in the status quo with regard to Guam's colonial status. Despite the good will of some representatives of the administering Power, one could conclude from the current impasse that ending colonialism in Guam was not an objective of the administering Power.

14. Moreover, despite calls by the people of Guam for controls to be imposed on the administering Power's immigration policies, tens of thousands of immigrants into Guam had gained permanent residence there or had become naturalized citizens of the administering Power. The administering Power had also turned a deaf ear to calls for a reform of its land policies: not one acre of land taken from the Chamorro people had been returned to the original landowners.

15. Violations of the right of the people of Guam to participate in decisions affecting them had extended to the administering Power's successful attempts, through the so-called "consensus" resolution, to redefine the issues raised by the people of Guam and their calls for change. The people of Guam would be neither quiet nor satisfied as long as their human rights were suppressed by colonialism.

16. Turning to section VI of General Assembly resolution 51/224 B, she noted that significant changes had been introduced into the language of the resolution following consultations with the administering Power. She was particularly concerned about the first and third preambular paragraphs and paragraphs 1 and 4. It was essential to note that it was the Chamorro people who were the

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colonized people of Guam and that it was their inalienable right to self-determination that was at stake. The immigrants admitted to the island by the administering Power were not a colonized people, they had been encouraged to settle there by the administering Power whose immigration policies were discriminating against the Chamorro people's right to a homeland and to decide their political destiny.

17. Noting that the conduct of a seminar in a Non-Self-Governing Territory would be appropriate, she said that Guam would be honoured to host the Committee's 1998 Pacific Regional Seminar; that would coincide with the centennial of the Territory's colonial relationship with the administering Power.

18. Mr. RIVERO ROSARIO (Cuba) said that the Committee benefited enormously from hearing the views of representatives of the Non-Self-Governing Territories. Since the Committee had a mandate from the General Assembly to do its utmost to rid the world of colonialism by the end of the century, the information provided by the petitioner from Guam was very important and would help the Committee in that endeavour. Indeed, information from both the administering Power and the representatives of the Territory was needed in order to obtain a balanced picture. The human rights situation in Guam and the increasing number of immigrants should be taken into account when the language of the draft resolution on Guam was being considered by the Committee.

19. He asked whether elections could be considered an expression of the will of the people and whether the Government of Guam had expressed any interest in receiving visits from bodies other than the Special Committee.

20. Ms. TORRES SOUDER (Guam) said that the people and Government of Guam had always expressed an interest in United Nations participation in their meetings and discussions and had invited all groups interested in decolonization to visit Guam.

21. With respect to elections, that process, as currently defined by the administering Power, operated within very narrow parameters. In endorsing the draft Commonwealth Act in 1987, the people of Guam had understood that the Act was to establish an interim political relationship between Guam and the United States Government and that commonwealth status was merely a step towards, but not the fulfilment of, self-determination. The draft Act had outlined a decolonization process, but the United States had yet to take action on it.

22. Mr. RIVERO ROSARIO (Cuba) said that the will of a people concerning its political destiny could be determined only through a process of broad popular consultation, such as a referendum or plebiscite. His delegation did not agree that electoral processes per se were a means by which peoples could express their views on their political future. He asked for the views of the Guam authorities in that regard, and whether those authorities had consulted or communicated with the administering Power concerning the possibility of receiving a visiting mission from the Committee, since the Committee could not conduct such a mission without the cooperation of both parties.

23. Mr. AL-ATTAR (Syrian Arab Republic), Rapporteur, took the Chair.

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24. Mr. OVIA (Papua New Guinea) asked the Chairman whether the new information provided by the petitioner could be considered in relation to the Committee's consensus resolution on Guam and whether the changes to that resolution proposed by the petitioner would be taken into account.

25. Ms. TORRES SOUDER (Guam) said that, although the Guam authorities continued to engage in discussions with the administering Power, that did not mean that their views were being heard. With respect to electoral processes, the election of representatives within the island was not equivalent to self-determination.

26. Mr. SAMADI (Islamic Republic of Iran) said that the statement by the representative of Guam backed up his country's position that any changes in the Committee's consensus resolution should reflect the interests of the indigenous people of Guam. The Committee should change the current year's resolution accordingly, in fulfilment of its mandate with respect to Guam.

27. He asked for information on the percentage of Chamorro people in the population of Guam and on how that percentage had changed since the adoption of the draft Commonwealth Act in 1987.

28. Ms. TORRES SOUDER (Guam) said that, in 1950, Chamorros had made up 98 per cent of the civilian population of Guam. That proportion had fallen to 46 per cent in 1990 and 40 per cent in 1997.

29. Mr. RABUKA (Fiji) said that it was important for the Committee to ensure that the indigenous people of Guam were in a position to exercise their right to self-determination. He asked why the election of government representatives was not considered equivalent to the right to self-determination, and what other form of exercising that right was contemplated by the people of Guam. He also asked what views the people of Guam would like the Committee to incorporate into its resolution on Guam.

30. Mr. FORBES (Majority leader of the Twenty-fourth Guam Legislature) said that, under the current policies of the administering Power, Guam's elected delegate to the United States House of Representatives had no vote in that body. Although Guam's Governor and Legislature were elected by universal suffrage, any action that they took could be overturned by the United States Government. Thus, Guam had the form, but not the substance, of democracy and participatory government. Its Legislature could be overruled or dissolved at any time by the administering Power. The role of its Government was akin to that of a student council in a school, in that it represented only the aspirations of the people, not real power. Until that Government was empowered, the people of Guam could not be said to have achieved self-determination.

31. Regardless of their political views, the people of Guam were united in their wish to begin a process leading to decolonization. The United States, however, had not only maintained colonialism for the past 50 years, but had also failed to devise any plan to end it and had put Guam's decolonization proposal on hold for a decade. Discussions on decolonization had always been undertaken at the initiative of Guam, never of the administering Power.

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32. Ironically, although the administering Power had done nothing whatsoever to change Guam's colonial status, it had made strenuous efforts in the Committee to hide its failings in that regard. It was unbecoming for such a powerful nation, which promoted human rights as a benchmark of its international personality, to deny the exercise of human rights to any Territory, no matter how small. That was why Guam's Legislature had adopted a resolution in March 1997 objecting to the positions advanced by the Committee at the instigation of the administering Power. That Power's efforts would be better spent on guaranteeing self-determination in Guam.

33. The administering Power continued to resist efforts to resolve land issues. Since the end of the cold war, the land requirements for United States military installations in Guam had decreased substantially. However, the administering Power had not complied with the territorial Government's request that the land no longer needed should be returned to its original owners. The Committee should review the actions of the administering Power, which had taken over one third of Guam's territory, all of which had belonged to Chamorro landowners, for its military bases without making full restitution to those landowners. In addition, it had used its own laws, which Guam had had no voice in making, to hinder the return of excess land to the Chamorro people. Instead, it had given priority to transferring such land to other federal government agencies, even though its actions had been universally condemned by the territorial Government and the people of Guam.

34. Even where the administering Power had proposed to return some land to the territorial Government of Guam, the restrictions that it had imposed made it impossible to make amends to the original landowners. That Power was denying justice to the Chamorro people by applying its own legal processes instead of observing the international standards of the Committee. For example, it claimed that the restoration of land to the original Chamorro landowners violated the principle of equal protection for those who had immigrated to Guam under United States immigration laws, even though those immigrants had no claim whatsoever to the land that had been confiscated by the United States armed forces. Such policies were in direct contravention of past resolutions of the Committee concerning the Guam land issue.

35. He hoped that the Committee would continue to monitor the land situation in Guam and would never relent in its demand that land no longer needed by the armed forces should be returned to the people of Guam. Without land, the Chamorro people would have no future in their own homeland; without justice, there could be no resolution of Guam's political status; and without the Committee's oversight, the administering Power would have no incentive to take action.

36. Lastly, he took exception to the remark by the representative of the Governor of Guam that negotiations with the administering Power had taken place in good faith. Precisely the opposite was true. The administering Power had repeatedly used procedural means to delay discussion of decolonization issues. Furthermore, the ongoing status negotiations did not in themselves constitute decolonization. The purpose of the current negotiations was simply to create a framework for the eventual decolonization of Guam. True decolonization would be achieved only when the Chamorro people controlled their own land and immigration

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laws, and when sovereign authority was actually vested in their own government. Since none of those conditions applied, the contention that the administering Power had negotiated in good faith on substantive issues of decolonization was false.

37. Mr. COUTTS (Chile) urged the Committee to keep open its lines of communication with administering Powers, since that was the only way to realize the aspirations of the peoples of small Non-Self-Governing Territories.

38. Mr. FORBES (Guam) said that it was especially important for the administering Power to maintain a dialogue with the Committee. Guam's administering Power had, on occasion, displayed a disturbing tendency to disengage from the negotiating process. It was a challenge simply to get the administering Power to admit that a grievance existed in the first place, an attitude which was both counterproductive and offensive. The United States refused even to recognize that the Chamorro people existed and that they had human rights. He hoped that the United States Government would retract some of its earlier statements and develop a strong working relationship with the Committee, since the Committee was one of the few forums which actually recognized the existence of the Chamorro people.

39. Mr. SAMADI (Islamic Republic of Iran) asked whether current rules and regulations permitted Committee members to visit Guam.

40. Mr. FORBES (Guam) said that the territorial Government would be delighted to welcome Committee members to Guam, but that he could not speak for the administering Power in that regard. It was his understanding that visiting missions were obliged to consult with and obtain the agreement of the administering Power before proceeding. Moreover, the administering Power controlled entry into and departure from Guam. Since the question had been asked, he would raise the issue at his forthcoming meeting with representatives of the United States Government.

41. Mr. RIVERO ROSARIO (Cuba) said that past experience had shown that the consent of the administering Power was necessary in order to make a visit. In that connection, the Committee would be interested to know whether the territorial Government had approached the administering Power with a request to invite a visiting mission. The Committee would also be interested to know whether the petitioner's election to the Guam legislature was a reliable indicator of political opinion in the Territory.

42. Mr. FORBES (Guam) said that his views and those of his colleagues in the legislature were widely known, and the fact that he personally had been elected twice to the legislature seemed to indicate that voters supported his political views. The topics at the core of his presentation to the Committee, namely land and immigration, were central political concerns for the local population.

43. The territorial Government had not formally requested the administering Power to allow a visit from the Committee, since it did not wish to violate protocol and felt that it would be more appropriate for the Committee to make such a request. In addition, the fact that the territorial Government had to

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ask permission for outsiders to visit Guam was an offensive and distasteful reminder of the Territory's colonial status.

44. Mr. OVIA (Papua New Guinea) said that the Committee was obliged to take the views of the administering Power into account; it was therefore the responsibility of the territorial Government to request that a mission should be allowed to visit the Territory.

45. Since the draft Guam Commonwealth Act lacked constitutional status, it was unclear how the Committee should view the document.

46. Mr. FORBES (Guam) said that the one great advantage of the draft Guam Commonwealth Act was that it had been put to the Guam electorate for approval or rejection prior to submission to the United States Government. Unlike any other document pertaining to Guam, local people had had a say in its formulation. Should the Guam legislature be successful in achieving interim commonwealth status for the Territory, it would then have a basis for establishing a framework to address all outstanding self-governance issues.

47. With regard to the observation by the representative of Papua New Guinea that it was the responsibility of the territorial Government to ask the administering Power to extend an invitation to the Committee, he undertook to ensure that the Guam legislature would proceed along those lines.

48. Mr. TANOH-BOUTCHOUÉ (Côte d'Ivoire) said that the Committee was in a difficult position, in that it was seeking to assist the people of Guam in achieving decolonization but was being told by the administering Power that there was no need for change. He trusted that negotiations would continue, so that by working together all parties could arrive at the desired solution.

49. Ms. Torres-Souder and Mr. Forbes withdrew.

Question of Tokelau (A/AC.109/2090)

50. Mr. RIDER (New Zealand) said that the situation in Tokelau was quite different from the traditional colonial pattern routinely confronted by the Committee, in that the main issue was the timetable for self-determination. The pattern in Tokelau was one of village government administered by elders, not government by agents of an external administration. The administering Power had never been physically resident, its administration had been light-handed, each village had remained largely autonomous, there had been no pattern of settlement from outside and land was not an issue.

51. Had a more traditional colonial pattern existed, Tokelau would not have had its present freedom to set its own conditions and goals. The Territory must necessarily find its own course by drawing on its own traditions. The models set out in General Assembly resolution 1541 (XV) might not fit Tokelau's circumstances, which was why the people themselves must find a new and innovative approach.

52. For more than two years, a special constitution Committee had been considering the content of a future constitution; it was possible that by the

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end of 1997 key parts of that document would have been adopted. That groundwork was being supplemented by a drive to ensure that villages recovered their traditional authority. It should be recalled, in that connection, that executive power had been devolved from New Zealand to Tokelau in 1994 and legislative power in 1996, allowing the present system of national government to take root on the atolls. A more fundamental devolution to the village level, involving key services previously regarded as central government functions, was now in prospect.

53. The Tokelau public service, based on the New Zealand model, had until recently been located in Western Samoa, but the perception had grown that the service had eroded the sense of authority of village institutions. There was therefore a desire to work towards a smaller national public service and an enhanced village service, with a focus on capacity-building in villages. In that connection, village elders would need to learn new management skills. The challenge was to build confidence as much as capacity. It was advisable to move carefully, since the relationship between village government and national government was the core issue, the village being the foundation of the nation. The absence of a timetable for self-determination reflected that context.

54. There had been profound changes in terms of infrastructure in recent months. A new freighter, converted for the carriage of passengers, had commenced service in May 1997, offering enhanced reliability and safety in the provision of transport links. In April 1997, Tokelau had inaugurated direct dial telephone and fax systems with the outside world, completing a collaborative effort between the Territory, New Zealand and the United Nations. A government-owned business entity, the Telecommunication Tokelau Corporation, had been established to operate telecommunication systems. The overriding concern had been for control of telecommunications to be exercised within Tokelau and for telecommunications to be separate from other government activities.

55. The Territory, the administering Power and the United Nations were determined to move in the same direction. Tokelau had long derived reassurance from the knowledge that its future was of concern to the United Nations, and it believed that its experience of constitutional development could contribute to the Committee's search for new and innovative solutions to the decolonization challenge. New Zealand was committed to cooperating with the Committee in that endeavour.

56. The CHAIRMAN commended New Zealand on its permanent cooperation with the Committee.

57. Mr. STANISLAUS (Grenada) welcomed the interest displayed by New Zealand in the work of the Special Committee, and the model that it had provided in its administration of Tokelau, which could serve as inspiration for other administering Powers. New Zealand had built from the bottom up, taking care to promote the informed consent of the people of Tokelau so as to achieve the level of self-determination that they desired.

58. Mr. OVIA (Papua New Guinea) welcomed the cooperation between the Committee and New Zealand and noted with interest the social and economic moves towards

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self-determination for Tokelau. The focus on allowing the people themselves to decide their future and the innovative model represented by Tokelau offered a good precedent, since it was for neither administering Powers nor the Special Committee to decide the future of the Non-Self-Governing Territories. He trusted that other administering Powers would cooperate as fully with the Special Committee.

59. Mr. RIVERO ROSARIO (Cuba) welcomed the constitutional developments and economic and social progress in Tokelau, as well as the useful contribution made by the administering Power to the Committee's decolonization task.

60. Mr. RABUKA (Fiji) welcomed the particular interest displayed by New Zealand in promoting independence for Tokelau and expressed the hope that it would be possible to establish an appropriate economic basis to underpin constitutional developments, thereby providing an interesting model for the Special Committee.

61. Mr. POWLES (New Zealand) said that his Government would take note of the Committee's comments, particularly regarding self-government at the village level. New Zealand recognized that the wishes of the people of Tokelau were paramount and acknowledged the importance of village government in that regard.

The meeting rose at 12.55 p.m.