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SUMMARY RECORD OF THE 8th MEETING

Chairman:

Mr. FLEMMING

(Saint Lucia)

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The meeting was called to order at 10.25 a.m.

REQUESTS FOR HEARINGS

1. The CHAIRMAN said that the Committee had before it a communication containing a request for a hearing relating to the 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 (A/C.4/46/7/Add.1). If he heard no objection, he would take it that the Committee wished to grant the request.
2. It was so decided.

AGENDA ITEM 19: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued)

Question of Western Sahara

Hearing of petitioners (A/C.4/46/3 and Add.1)

3. At the invitation of the Chairman, Mr. Mohktar (Frente POLISARIO) took a place at the petitioners' table.
4. Mr. MOHKTAR (Frente POLISARIO) said that, thanks to the constant efforts of the United Nations and the Organization of African Unity, and to the significant concessions made by the Saharan side, it had finally been possible to adopt a peaceful plan for the decolonization of Western Sahara.
5. The international community, which had formulated the plan and provided broad material and financial support, could now legitimately ask what stage had been reached in its implementation. The most important step that had been taken had been the entry into force of the cease-fire on 6 September, achieved as a result of the persistence of the Secretary-General and the unanimity of the members of the Security Council. The Frente POLISARIO and the Government of the Saharan Arab Democratic Republic, however, were deeply concerned about recent events in Western Sahara. Morocco had officially declared its recognition of the peace plan, but was systematically violating the obligations it had assumed. First, the Government of Morocco was trying to make it possible for tens of thousands of Moroccan citizens to take part in the voting under the referendum, instead of the electors envisaged in the plan, so as to undermine the process of the referendum in Western Sahara; second, since the entry into force of the cease-fire, the Moroccan side had already violated it nine times, and Moroccan military aircraft, in violation of the cease-fire provisions, were making flights over Saharan positions in the liberated territory; third, although it was envisaged in the peace plan that the referendum should be held under conditions guaranteeing freedom and security, so that the people of Sahara could freely determine their fate, the Moroccan authorities in the regions they occupied were virtually maintaining a

(Mr. Mohktar)

state of siege and had not yet released dozens of peaceful inhabitants of Sahara from detention; and, fourth, Morocco was trying to have the referendum held in an atmosphere of terror, without independent observers and representatives of the international press.

6. All those facts could be verified, and many of them were already known to the international community. In the view of the Saharan side, the implementation of the peace plan was being jeopardized by the position of Morocco, in defiance of world public opinion as clearly expressed by the General Assembly and the Security Council.

7. The Saharan side would continue to cooperate with the United Nations to ensure the successful fulfilment by the United Nations Mission for the referendum in Western Sahara (MINURSO) of the noble peace objective established for it by the international community.

8. Mr. Mohktar withdrew.

9. At the invitation of the Chairman, Mr. Knight (Sahara Fund) took a place at the petitioners' table.

10. Mr. KNIGHT (Sahara Fund) said that the international community should consider the referendum in Western Sahara as valid only if it was conducted in a free and fair manner. The key task of the United Nations prior to the referendum was to establish voter eligibility, and in that respect it must adhere strictly to the census of the Saharan population conducted in 1974 by Spain. Currently the timetable for the referendum in Western Sahara had been delayed because Morocco refused to accept the United Nations update of the census, which listed over 70,000 eligible Saharan voters.

11. Only 10 days after the formal cease-fire of 6 September 1991, Morocco had called on its citizens to undertake another so-called "green march" with a view to forcing the United Nations to recognize Moroccan citizens as eligible voters. Without counting the new arrivals, the number of Moroccans who had settled in Western Sahara since 1975 would outnumber the civilian population of Sahara at the time of the vote. Those actions were a cynical move on the part of Morocco to predetermine the outcome of the referendum and thus guarantee the integration of the former Spanish Sahara with Morocco.

12. Another obligation of the United Nations was to ensure that a proper atmosphere for the referendum was established in Western Sahara without further delay. The United Nations must insist that the inhabitants of Sahara should be allowed to address openly the issue of sovereignty and make an informed choice between integration with Morocco and independence. If a free and open campaign was to take place, a wide and unrestricted range of information must be disseminated about that question. That implied that Saharan supporters of each option must have equal access to the media. Currently those requirements were far from being met.

(Mr. Knight)

13. In order to understand the general picture in Western Sahara, it should be noted that the Kingdom of Morocco had total control of essential services in Western Sahara, and Moroccan forces, in violation of the relevant decisions of the United Nations, enjoyed complete freedom of movement in Western Sahara. He asked whether the United Nations was prepared to take sanctions against the Kingdom of Morocco if the Moroccan Government continued to sabotage the peace process by intensifying the atmosphere of intimidation.

14. The fears of the Saharan people were real; they had endured severe repression since 1975. The Moroccan authorities had released several hundred formerly missing Saharan civilians, but at least 800 and perhaps well over 1,000 Saharan civilians still languished in detention centres or were dead. The United Nations would need to take up those matters, particularly since King Hassan had declared that there were no political prisoners in Morocco. The Secretary-General of the United Nations should establish an independent referendum validation board and invite international observers to Western Sahara to monitor the conduct and results of the referendum. The international community must be vigilant and ensure that the pre-electoral preparations were conducted justly. The Security Council must stop any attempts to undermine the referendum process.

15. Mr. Knight withdrew.

Question of Pitcairn

Hearing of petitioners (A/C.4/46/8)

16. At the invitation of the Chairman, Mr. Gonzalez Gonzalez took a place at the petitioners' table.

17. Mr. GONZALEZ GONZALEZ, referring to the question of Pitcairn, on which information was contained in document A/AC.109/1057, said he wondered whether the United Kingdom, as the administering Power, intended to grant independence to the people of that Territory.

18. It was impossible not to notice that document A/46/23 (Parts V and VI) abounded with very mild formulations, vague generalizations and concessions to the imperialist countries. He was firmly convinced that the Special Committee on decolonization and the Fourth Committee must abandon their needlessly diplomatic tone and in future adopt resolutions that were resolute and firm.

19. The draft decision on the question of Pitcairn (A/46/23 (Part VI)) reaffirmed the right of the people of Pitcairn to self-determination but passed over in silence its right to independence, which had found expression in the resolutions on all the other Territories with the exception of New Caledonia. He protested that that Territory and the people of Pitcairn had been denied the right to independence.

(Mr. Gonzalez Gonzalez)

20. Although the United Kingdom had announced its intention to grant the peoples of all its colonial Territories the opportunity to determine their future status, for 30 years it had been violating paragraph 5 of General Assembly resolution 1514 (XV) of 14 December 1960, which made reference to the need to take such steps immediately. Furthermore, by demanding that self-determination should not be equated exclusively with independence and that other alternatives should also be examined, the United Kingdom was apparently disregarding the fact that the Special Committee only considered questions of independence and was governed in its work solely by resolution 1514 (XV). The United Kingdom must state honestly whether it intended to implement the requirements of that resolution with regard to Pitcairn.

21. He requested that the draft decision on the question of Pitcairn should be amended by insertion after the word "self-determination" of the words "and independence". He also requested that the third preambular paragraph of the draft resolution on the question of New Caledonia should be amended in the same way, after which the fourth preambular paragraph could be deleted.

22. In his view, all resolutions and decisions must reaffirm more clearly and precisely that the General Assembly was determined to put an end to all forms of colonialism by the year 2000 and must call upon the administering Powers to inform the United Nations as soon as possible as to when they would recognize their colonies as being free, sovereign and independent States.

23. In closing, he asked the Chairman to verify information that he had received according to which the United Kingdom planned to remove the inhabitants of Pitcairn from that Territory.

Question of the Trust Territory of the Pacific Islands

Hearing of petitioners (A/C.4/46/6)

24. Mr. GONZALEZ GONZALEZ, referring to the question of the Trust Territory of the Pacific Islands, said that 15 years after the United States and the United Nations had reached an agreement on Micronesia, the General Assembly had adopted resolution 1514 (XV) of 14 December 1960, which applied to all Trust Territories without exception. Paragraph 8 of General Assembly resolution 1654 (XVI) of 27 November 1961 requested the Trusteeship Council to assist the Special Committee on decolonization with questions concerning Trust Territories. In neither case had the United States cited Article 83 of the Charter or voiced an objection.

25. The Security Council, granting the request of the Trusteeship Council, in other words, of the United States, had released that country from the obligation of administering three of the four entities in the Trust Territory, with the exception of the Marianas, although those entities had requested a postponement of that decision. Whereas two of the three entities had eventually become States Members of the United Nations, the Marianas still had an undefined legal status.

(Mr. Gonzalez Gonzalez)

26. The Fourth Committee must consider the question of the Marianas in the light of resolution 1541 (XV), and in order to ensure that the resolution applied to that Territory, the Marianas must be included in the list of Territories under the competence of the Special Committee.

27. Mr. Gonzalez Gonzalez withdrew.

AGENDA ITEM 19: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/46/23 (Parts V and VI), A/46/201, 336, 344, 359 and 409; A/AC.109/1056-1063, 1064 and Corr. 1, 1065-1067, 1068 and Corr. 1, 1069-1071, 1073, 1074 and Corr. 1, 1075, 1077, 1078, 1079 and Corr. 1, 1082; A/AC.109/L.1761; E/1391/116; S/21360, S/22578)

AGENDA ITEM 99: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/46/23 (Part IV (chap. VII)), A/46/516)

AGENDA ITEM 101: 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/46/23 (Part IV (chap. VI)), A/46/229)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/46/3 (chaps. I and VII (sect. C)))

AGENDA ITEM 103: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued) (A/46/344, 517)

General debate

28. Mr. Van SCHAİK (Netherlands), speaking on behalf of the European Community, and its 12 member States, said that in the field of decolonization, attention had been focused in 1991 on the process under way in Western Sahara. The Twelve considered that that process represented an important step towards a just and lasting settlement of the conflict in Western Sahara on the basis of a referendum on self-determination, and they strongly supported the efforts of the Secretary-General and his Special Representative to secure full implementation of the United Nations plan.

29. The Twelve reiterated their support for contacts on East Timor between Portugal and Indonesia under the auspices of the Secretary-General and hoped that the forthcoming visit of the Portuguese parliamentary delegation to East Timor would help create an atmosphere conducive to a just, comprehensive and internationally accepted settlement in line with the purposes and principles of the Charter.

(Mr. Van Schaik, Netherlands)

30. The Twelve States members of the European Community were disappointed that the efforts undertaken to rationalize the work of the Fourth Committee and to seek consensus on the draft resolutions and decisions adopted by it had not so far succeeded. A number of draft resolutions and decisions had been presented which revealed their sponsors' refusal to acknowledge changed world realities and which contained provisions and language that did not serve the real interest of the remaining Non-Self-Governing Territories.

31. The Twelve did not agree with the view that all the remaining Non-Self-Governing Territories had failed to exercise their right to self-determination solely because that right was denied to them by the administering Powers. Discussions in the Committee should concentrate on issues relevant to the remaining Non-Self-Governing Territories, and consideration of apartheid in the framework of decolonization was irrelevant.

32. The Twelve would welcome efforts aimed at reforming and rationalizing the work of the Fourth Committee. The continuation of consultations among its members was worthy of attention. In that context, the Twelve would continue trying to suppress irrelevant, confrontational language, eliminate name-calling and avoid duplication of work, particularly in the hearing of petitioners. They would also continue to oppose taking up the decision on "military activities", which did not appear on the list of agenda items allocated to the Fourth Committee. Finally, the Twelve favoured the incorporation of the agenda of the Special Political Committee into the work of the Fourth Committee, on the understanding that the full scope of both Committees' proper competence would be maintained.

33. Mr. de la SABLIERE (France), referring to the question of New Caledonia and noting that France had not lifted its reservations on the United Nations competence to consider the question, dwelt briefly on the fundamental provisions of the Matignon Accords signed on 26 June 1988. At three meetings of the Committee supervising the implementation of those Accords, the results achieved in the political and financial spheres and in the field of education and vocational training had been pronounced basically satisfactory, as had the results of measures to ensure balanced development of the Territory. The situation in the Territory had remained calm over the past three years. The institutions and structures envisaged by the Accords had been established. The Assemblies elected for the three provinces by direct universal suffrage in June 1989 were exercising full powers. Work on revising the electoral registers was continuing in order to determine exactly who should participate in the referendum on self-determination. Special attention was being paid to personnel training. A number of measures had begun to be implemented in that field - measures that had required a significant financial contribution from the French Government, in particular for the training programme for 400 administrative officials, mainly Melanesians. Efforts to align the levels of social and economic development of the three provinces had led to the establishment of several thousand posts, and several hundred projects to develop and improve the infrastructure had begun to be implemented. In every

(Mr. de la Sabliere, France)

case, top priority was being given to the North Province and the Loyauté Islands. Of the land redistributed in 1990 alone, 75 per cent had been transferred to individuals or legal entities of Melanesian origin. Great importance was being attached to cultural development and the Kanak Cultural Development Agency was playing a very positive part in ensuring that the distinctiveness and dignity of the Melanesian community was recognized.

34. With regard to the draft resolution on the question of New Caledonia submitted to the Fourth Committee, his delegation was pleased that the text took account of the positive changes in New Caledonia over the past three years and that it noted in particular the dialogue established between the interested parties under the auspices of the French Government. However, France's reservations regarding the competence of the United Nations to deal with the question of New Caledonia were well known. Those reservations had firm legal foundations. One such foundation was Article 73 of the Charter, which conferred exclusive competence in matters concerning the determination of the future of Non-Self-Governing Territories to the States which bore responsibility for administering them. No General Assembly resolution could change that provision of the Charter. Moreover, the Matignon Accords rested on a delicate balance and any attempt to impose arrangements on the Territory which had not been accepted by all the interested parties would be seen as partial.

35. The Government of France attached the greatest importance to New Caledonia's harmonious involvement in the activities of the South Pacific community and to the development of its political, economic and cultural links with the States of the area. France was therefore encouraged by the growing support shown by the countries of the area for the process that had begun in 1988.

36. To French eyes, it was a particular virtue of that process that the various parties in New Caledonia, without in any way renouncing their convictions, had agreed to cooperate to achieve a common aim, which was to prepare the inhabitants of the Territory to exercise their right to self-determination in 1998 freely and without interference from outside. The French authorities, for their part, were absolutely determined to continue their policy of consistently implementing the Matignon Accords, out of fidelity to the principle of according peoples the right to take their destiny into their own hands and taking into account the highest interests of New Caledonia.

37. Mr. YAQUBI (Afghanistan) said that, despite all the difficulties in implementing the Declaration on the Granting of Independence to Colonial Countries and Peoples, many oppressed peoples had achieved great successes in their rightful struggle to gain independence and sovereignty. His delegation welcomed the positive developments towards achieving a settlement of the problem of Western Sahara and self-determination for its people, and had high regard for the role played by the Secretary-General and the interested parties

(Mr. Yagubi, Afghanistan)

in that process. Unfortunately, some people and Territories still remained non-self-governing, but Afghanistan hoped that one day they would freely exercise their sovereignty and establish control over their natural and human resources, and wished to express its firm support for the struggle of colonial peoples to achieve independence.

38. Ms. LIU Sha (China) said that, in the 31 years since the adoption of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples, the peoples of many colonies and Non-Self-Governing Territories, encouraged by its spirit, had freed themselves from the yoke of colonialism and become masters of their own fate after a long and stubborn struggle supported by the international community.

39. The disintegration of the colonial system reflected the inexorable trend of historical development, but the remnants of colonialism had not been completely eliminated and the threat posed by hegemonism and power politics still remained. Despite the great successes achieved, the process of decolonization had not yet been completed. The peoples of colonies and Non-Self-Governing Territories had the right to national self-determination, to a free choice of political status and to decide independently on matters of social and economic development. No country had the right to deploy troops and establish military bases in such Territories.

40. Over a dozen Non-Self-Governing Territories, small in size and population, still remained in the world and the United Nations should pay more attention to satisfying their peoples' aspirations. Her delegation was confident that the Fourth Committee, acting in accordance with the Charter of the United Nations and the provisions of the Declaration, would continue its work to achieve self-determination for such peoples, as soon as possible, and the final elimination of colonialism. That would help to complete the process of decolonization by the year 2000.

41. Her delegation appreciated the progress made over the past year towards a peaceful settlement of the question of Western Sahara and hoped that its people, under United Nations supervision and with the assistance of the Organization of African Unity, would decide their future political status legitimately through a free and fair referendum. In closing, she said her delegation was willing to continue working with other Member States in order to improve the work of the Fourth Committee and the Special Committee on decolonization and to make it more effective.

42. Mr. URIARTE (Chile) said that, although in the past the Committee had carried out extensive and important work, it had also been criticized, which should not surprise anyone in view of the fact that all United Nations bodies were now being subjected to analysis and study in order to restructure them in the light of the new tasks facing the Organization in the new international situation. The decisions arrived at during consultations in the Special Committee on decolonization were an example of how difficulties that arose

(Mr. Uriarte, Chile)

could be overcome. In that connection, his delegation proposed that the Fourth Committee should complete those consultations by setting up a special working group and other appropriate mechanisms. At the same time, the efforts to improve the work methods of the Fourth Committee should not be detrimental to the decolonization process.

43. It was regrettable that there were still Non-Self-Governing Territories and it was necessary to take all measures to ensure that there were no remaining colonial Territories by the end of the decade. Nevertheless, the task of the United Nations was not only to ensure that the peoples and the Territories in question achieved self-determination, but also to provide them with the necessary assistance afterwards and see to it that their accession to the international community was beneficial and not detrimental to the welfare of their people. In that connection, the administering Powers must promote efforts to achieve those goals by punctually submitting updated information on the political, economic and social situation in the Territories under their administration.

44. Mr. MURDOCH (Antigua and Barbuda) said that his country was one that had gained independence through the work of the United Nations in the field of decolonization. He was thus speaking as a representative of a State in whose region could be found the greatest number of dependent Territories in the world. Their fate was inextricably bound up with the fate of the independent small States of the Caribbean.

45. In 1967, when his country had moved one step closer to independence, the prevailing wisdom had held that a small country with a population of fewer than 68,000 people could not hope to be fully independent. Certainly, independence posed new challenges to the Territories that had achieved it. The attention of every Caribbean island Government was focused on measures to improve the living standard of their people. Economic viability, which was possible through the successful exploitation of resources, was the only real barrier to independence. Since the administering Powers in the region constituted a representative sample of the most powerful States in the world, it was possible there to adopt bold approaches towards the decolonization process and resolve more successfully the questions of economic viability.

46. The time had come to adopt new approaches tailored to the particular situation of the small, geographically remote, dependent Territories. His delegation would continue to advocate reform within the United Nations system in the area of decolonization. The many resolutions adopted on the inalienable right of the peoples of the Non-Self-Governing Territories to self-determination and independence clearly stated that it was the responsibility of the administering Powers to create the necessary conditions in those Territories in order to enable the people to exercise that right. The fulfilment of that obligation must be evaluated on the basis of impartial information and in an atmosphere conducive to full and free discussion.

(Mr. Murdoch, Antigua and Barbuda)

47. His country advocated speedier action in the field of decolonization in order to fulfil the mandate given by the General Assembly when it proclaimed the International Decade for the Eradication of Colonialism. The challenge lay in developing flexible and politically honest approaches to the implementation of that mandate, while keeping under close examination the political, constitutional and socio-economic relationships between the Non-Self-Governing Territories and the administering Powers. It might therefore be useful to obtain a United Nations advisory opinion on the applicability of international law to the decolonization process pertaining to the remaining Non-Self-Governing Territories.

48. The decolonization process had entered a new and difficult phase, resulting from the small size of the Non-Self-Governing Territories and the need for reform within the United Nations system. It was an opportune time to refocus on the major guiding principles of decolonization, particularly Article 73 of the Charter of the United Nations, and to bear them constantly in mind when addressing the issue of administrative reform within the Organization's system. The mandate set forth in Article 73 required the United Nations to lift the veil on political discourse in each Non-Self-Governing Territory and endeavour to ensure that those peoples in the Caribbean, the Pacific and elsewhere were guided towards genuine self-determination. Once that was done, there would be no reason to fear for those small Territories, whose socio-economic, political and constitutional aspirations were no less important than those of larger Territories.

49. Mr. GRIFFIN (Australia) said that the task of reforming and renewing the United Nations system was doubly urgent in the work of decolonization, where the countdown was already well under way towards the year 2000, the target date for achieving the goal of the complete eradication of colonialism. His delegation was heartened by the progress achieved in reshaping the resolutions on the remaining Non-Self-Governing Territories, whose circumstances required sensitive and carefully modulated handling on the part of the Committee.

50. That approach, however, was not in evidence in all the texts before the Committee. In several instances, the language used was that of a bygone era and was remote from current political realities and the pressing needs and concerns of most of the Territories, whose progress towards self-determination the Committee had been charged to oversee. As a neighbour of several of those Territories, Australia deeply regretted that and urged the adoption of a more enlightened and forward-looking approach.

51. His country attached particular importance to the situation of New Caledonia, where the question of decolonization was particularly complex and required sensitivity, cooperation and goodwill from all the parties involved. The interests of New Caledonia and regional stability required a peaceful, orderly transition to genuine self-determination in which all options, including independence, were open and which would safeguard the rights of the indigenous Kanaks and those of all other New Caledonians. In that regard,

(Mr. Griffin, Australia)

Australia had been much encouraged by the progress made in the three years since the signing of the Matignon Accords between the French Government and the two main political groups in the Territory, the Front de libération nationale Kanak socialiste (FLNKS) and the Rassemblement pour la Calédonie dans la République (RPCR); a new political structure had been set up, involving devolution of powers from the central authorities to provincial institutions. An environment had been created in which the right of New Caledonians to self-determination could be exercised. The divisions had given way to a habit of dialogue and consultation; and there was a growing pattern of exchanges with neighbouring countries.

52. The Matignon Accords were not an end in themselves but provided a framework designed to foster a favourable climate for New Caledonia's progress towards self-determination. The forthcoming major review in 1992 of the implementation of the Accords was an opportunity for the parties to renew their commitment to ensuring that the spirit of Matignon was maintained and that New Caledonia's progress towards self-determination remained peaceful.

53. The Committee would soon be considering a draft resolution on the question of New Caledonia, which had been unanimously adopted by the Special Committee on decolonization. His delegation hoped that that resolution would be adopted by consensus.

The meeting rose at 1 p.m.