



# General Assembly

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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 4th meeting

Held at Headquarters, New York, on Tuesday, 15 June 2010, at 10 a.m.

*Chairman:* Mr. St. Aimée . . . . . (Saint Lucia)

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*The meeting was called to order at 10.30 a.m.*

### **Adoption of the agenda**

1. *The agenda was adopted.*

### **Requests for hearing**

2. **The Chairman** drew attention to aides-memoires 05/10 through 11/10 relating to the question of the Falkland Islands (Malvinas), the question of Guam, the question of Western Sahara, the question of New Caledonia, the question of the Turks and Caicos Islands, the question of Gibraltar, and the Special Committee decision of 9 June 2008 concerning Puerto Rico, respectively, and to the various communications attached thereto, which contained requests for hearing. He took it that the Committee wished to accede to those 34 requests.

3. *It was so decided.*

4. **Ms. Hernández Toledano** (Cuba) asked why there were 35 petitioners on the list of speakers on the Special Committee decision of 9 June 2008 concerning Puerto Rico when the Chairman had stated that the Committee was acceding to 34 requests.

5. **Mr. Cherniavsky** (Secretary of the Committee) said that, at the time when the Chairman's notes had been prepared, there had been 34 requests. There had actually been two additional requests in the intervening period, making a total of 36. Any further requests would be listed in a separate addendum to the list of petitioners to be circulated on the morning of the meeting at which they would be heard.

6. **The Chairman** asked the Secretary not to wait until the morning of the meeting to circulate additional requests.

### **Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (A/AC.109/2010/L.5 and A/65/66)**

7. **The Chairman**, speaking in his capacity as representative of Saint Lucia, said that, as in years past, the table listing information transmitted by administering Powers contained a blank space in the line for information submitted by Spain about Western Sahara. At some point, a decision should be made about whether Spain had responsibility for administering Western Sahara or should simply be removed from the list.

8. Speaking as Chairman, he drew attention to document A/65/66, which contained information provided by the administering Powers under Article 73 e of the Charter of the United Nations, and to draft resolution A/AC.109/2010/L.5.

9. *Draft resolution A/AC.109/2010/L.5 was adopted.*

### **Question of the dissemination of information on decolonization (A/AC.109/2010/19 and A/AC.109/2010/L.6)**

10. **Ms. Novicki** (Chief, Communication Campaign Services, Department of Public Information), introducing the report of the Secretary-General on dissemination of information on decolonization during the period from April 2009 to March 2010, said that the activities of the Department of Public Information pertaining to decolonization could be broadly characterized as coverage and outreach. Coverage activities had focused on the work of the General Assembly, particularly the Fourth Committee, and of the Special Committee, whereas outreach activities had been undertaken through the Department's various information and communications tools and through its networks of United Nations information centres.

11. Since the report had been compiled, the Department had deployed a press officer to cover the Pacific regional seminar on decolonization held in New Caledonia in May 2010. Four press releases had been issued and the Secretary-General's message to the seminar had been highlighted on the United Nations News Centre website.

12. **Ms. Vaccari** (Chief, Decolonization Unit, Department of Political Affairs) said that during the period under review the Department of Political Affairs had continued, in cooperation with the Department of Public Information, to disseminate information about decolonization. The Unit was updating and expanding the DPI website on decolonization, which received well over 200 page views per week and approximately 12,000 page views per year.

13. In preparing working papers for the Committee, the Department of Political Affairs sought the cooperation of the administering Powers, monitored media and Internet sites and maintained contacts with academic institutions, civil society organizations and experts. It continued to provide information on decolonization issues upon request to Member States, representatives of the Non-Self-Governing Territories,

schools, organizations and individuals, and also provided updated information for DPI's various visitor services and publications.

14. *Draft resolution A/AC.109/2010/L.6 was adopted.*

#### **Question of Gibraltar (A/AC.109/2010/16)**

15. **The Chairman** informed the Committee that the delegation of Spain had indicated its wish to participate in the Committee's consideration of the item.

16. **Mr. Oyarzun** (Observer for Spain) said that his Government was fully committed to decolonization and in particular to the decolonization of Gibraltar. Gibraltar was the only Non-Self-Governing Territory retained by a European State in the territory of another European State, both of which were member States of the European Union and of the North Atlantic Treaty Organization (NATO). The situation in Gibraltar was colonial in nature and was therefore incompatible with the principles and purposes of the Charter of the United Nations. The situation, which undermined the national unity and territorial integrity of Spain, was governed by the Treaty of Utrecht, a valid treaty that had been accepted by Spain and the United Kingdom of Great Britain and Northern Ireland, under which Gibraltar had to continue being British or revert to Spain.

17. The United Nations had had a clear mandate regarding Gibraltar since 1964, and took decisions each year urging the United Kingdom and Spain to undertake bilateral negotiations to find an agreed solution that took the interests of the colony's inhabitants into account. In accordance with that mandate, the Government of Spain was keen to renew negotiations with the United Kingdom in the framework of the Brussels Process.

18. The Committee's work was still very relevant and it should continue to work within the parameters of United Nations doctrine and in accordance with its mandate despite any statements to the contrary. Spain supported the Chairman's intention to adopt a realistic approach and take into account the specific characteristics of each Territory on a case-by-case basis. Gibraltar should not be removed from the Committee's list, since doing so would jeopardize the process established by the United Nations on the basis of a so-called modern constitutional relationship that was in fact no more than "colonialism by consent", in which the consent was that of the administering Power and not the colonized people, the people of Spain, and

did not comply with either the spirit or the letter of the resolutions.

19. Despite the scant progress achieved in the decolonization of Gibraltar, the Forum of Dialogue on Gibraltar had been successful. Spain remained fully committed to that process, started in 2004, aimed at resolving through cooperation the local issues affecting the well-being of the people of Gibraltar and the surrounding area. It hoped that the agreements reached at the Forum would contribute to creating an atmosphere conducive to resolving the questions of sovereignty, separately, in the framework of the Brussels Process. Spain remained committed to negotiating with the United Kingdom, at the United Nations, so that the General Assembly could again approve its consensus decision on Gibraltar, since that was the only way that a definitive solution to the question could be found.

#### *Hearing of petitioners*

20. *At the invitation of the Chairman, Mr. Bossano (Leader of the Opposition, Gibraltar), took a seat at the petitioners' table.*

21. **Mr. Bossano** (Leader of the Opposition, Gibraltar) said that Gibraltarians wholeheartedly subscribed to the text of resolutions 1514 (XV) and 1541 (XV), which were still fully valid. However, Spain misrepresented their meaning and frustrated their purpose.

22. Pursuant to those same resolutions, New Caledonia, which had hosted the Committee's recent seminar, would have to attain full self-government before France would be free of its reporting obligations under Article 73 *e* of the Charter and the Territory would be delisted. It was clear that the same was true for the other Territories, Gibraltar included.

23. Spain had argued illogically that the Gibraltarians had been introduced by the colonial Power and, therefore, did not have the right to self-determination. It was absurd to argue that the true Gibraltarians would be the descendants of those who had left in 1704, just as it would be to say that the Dutch were the real owners of Manhattan, as they had bought it from Native Americans years before it had been captured by the British.

24. Spain had not paraded that argument during the seminar held in New Caledonia where, in accordance

with United Nations policy, all of its people would decide the Territory's future.

25. Gibraltarians rejected the Spanish doctrine and its attempts to annex the country. They denounced violations of their territorial waters, in acts of provocation involving armed Spanish security forces, and attempts to exercise jurisdiction over the air space that were dangerous to aviation and rejected in Spain's courts, even by its own air traffic controllers.

26. Spain's policy towards Gibraltar was not based on good neighbourliness, as required under Article 74 of the Charter. That breach of its obligations must be condemned. Its hostile acts, undermining Gibraltar's territorial integrity, made Gibraltarians even more determined never to come under Spanish rule.

27. Spain argued that Gibraltar was still under colonial rule. Whether that was the case or not was to be decided by the Committee, whose mandate was none other than to determine whether the Territory had obtained the fullest measure of self-government.

28. The transfer of all power to the people of the Territory, required under paragraph 5 of resolution 1514 (XV), would not cause disruption of the territorial integrity of Spain; as stated in paragraph 6 of the resolution, that would be incompatible with the Charter.

29. Spain accepted that resolution 1541 (XV) applied to Gibraltar. Therefore, under United Nations doctrine, decolonization would arrive when there was a full measure of self-government. Handing Gibraltar over to Spain would not be a valid form of decolonization and that idea was an insult to anyone's intelligence.

30. The Committee must decide whether Gibraltar's 2006 Constitution complied with Principle II of resolution 1541 (XV). As required by Article 73 *b* of the Charter, the United Kingdom had given Gibraltar a greater measure of self-government. The Constitution had also clarified that the Government was constituted by the Council of Ministers and the Queen, and that sovereignty was exercised by Her Majesty as Queen of Gibraltar, not as Queen of the United Kingdom. Indeed her effigy, identified as the Queen of Gibraltar, appeared on a Gibraltarian coin minted in 2010.

31. The representative of Indonesia had said in 2009 that better assessments of decolonization were needed, on a case-by-case basis, and that the active involvement of the peoples of Non-Self-Governing

Territories was required in the process of self-determination and decolonization. At the recent seminar, Papua New Guinea had supported a visiting mission to American Samoa, after years of objections from the administering Power. Given the fact that the United Kingdom would no longer oppose a visiting mission to Gibraltar, Papua New Guinea was requested to support such a visit to Gibraltar. Indonesia, which was committed to action and not only words, was also asked to support it. The Committee should agree formally to put a request to that effect to the United Kingdom.

32. *Mr. Bossano withdrew.*

33. **The Chairman** suggested that the Committee should continue its consideration of the question of Gibraltar at its next session, subject to any directives to be given by the General Assembly at its sixty-fifth session.

34. *It was so decided.*

*The meeting rose at 11.55 a.m.*