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Held at Headquarters, New York, on Friday, 9 October 1998, at 10 a.m.

Chairman: Mr. Macedo (Mexico)

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The meeting was called to order at 10.10 a.m.

Election of officers

1. **The Chairman** said that the Group of Western European and Other States had nominated Mr. Çarikçi (Turkey) for the office of Vice-Chairman of the Committee. In view of the absence of other nominations and in accordance with rule 103 of the rules of procedure of the General Assembly and established practice, if there were no objections he would take it that the Committee wished to elect Mr. Çarikçi (Turkey) to the office of Vice-Chairman of the Committee.

2. *Mr. Çarikçi (Turkey) was elected Vice-Chairman by acclamation.*

3. **Mr. Çarikçi** (Turkey) expressed appreciation for the confidence placed in him, and said that he hoped to work in close cooperation with the Committee.

Agenda item 18: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (continued)

Hearing of petitioners

Question of Western Sahara (A/C.4/53/4 and Add.1)

4. *At the invitation of the Chairman, Mr. Bhatia (Brown University) took a place at the petitioners' table.*

5. **Mr. Bhatia** (Brown University) said that approximately one year previously there had been a decidedly different aura surrounding the peace process in Western Sahara. The Secretary-General's personal envoy, Mr. James Baker, former Secretary of State of the United States of America, had concluded that the solution to the question of Western Sahara still lay in a free and fair referendum, which corresponded to the wishes of the parties. The first direct negotiations to reach agreement on the disputed elements of the implementation plan had been held in Lisbon, London and Houston. Both parties had agreed not to present any member of the contested tribes to the identification commission, apart from those who had been registered on the 1974 census. The United Nations Mission for the Referendum in Western Sahara (MINURSO) had been deployed in 1991 without the formal acceptance of both parties to a peace agreement, which had affected its possibilities of fulfilling its mandate. Weaknesses had remained in the mandate and force structure of MINURSO and the timetable for its activities. The deployment of 2,800 civilian and military personnel was inadequate for an

operation mandated to supervise the governance of a Territory and the demobilization and cantonment of approximately 200,000 troops. Moreover, MINURSO was facing the problem of unrealistic timelines for carrying out its activities dictated by political considerations rather than the actual situation on the ground. For example, Moroccan forces were to be reduced from nearly 120,000 to 65,000 in only three months. Although it was possible that the mandate of MINURSO would be renewed following the referendum, MINURSO was scheduled to withdraw completely one month later in the midst of a potentially violent political environment. Small obstructions betrayed the larger dysfunction. Diplomats and foreign correspondents were once again being banned from MINURSO flights to Laayoune; the armaments and communications equipment for the Pakistani and Swedish demining contingents were being withheld by the Moroccan Government, and accusations of disappearances had escalated throughout the summer. In the end, on 7 June, D-Day, the beginning of the transition period had simply not been announced. In order to put the peace process back on track, high-level direct negotiations must be resumed, and were planned for late October in Lisbon.

6. The referendum was viewed by States as the sole exit strategy. The continued paralysis of the identification process handicapped the development of the capacities and institutions required for the safe return of Saharan refugees. So far, the United Nations-sponsored presence within the Territory had played into the hands of the Moroccan authorities. The United Nations-monitored ceasefire had enabled the Moroccan authorities to consolidate their presence and begin to alter the demographic character of the Territory. That activity had continued during the identification process, which had altered the nature of the referendum both in terms of its participants, and in terms of how it would be conducted. The conditions within the Moroccan-controlled western portion of the Territory necessitated a cautious response to the repatriation programme sponsored by the Office of the United Nations High Commissioner for Refugees (UNHCR). There was a massive Moroccan security presence within the Territory, and neither MINURSO, nor UNHCR, had freedom of movement. The sole representatives of the international community within the Territory were the monitors of the Organization of African Unity (OAU). Although international non-governmental organizations and press bodies had sent delegations to the Territory, they had not been able to develop the consistent presence necessary to ensure the transparency of the referendum process or the security of the refugees. UNHCR not only had to provide for the transportation and maintenance of the refugees, but also

had to ensure their safety and establish reintegration and rehabilitation programmes after the referendum.

7. MINURSO and UNHCR must immediately be granted complete freedom of access to and movement in the Territory. During the transitional period, the United Nations would assume a more active role in the governance of the Territory and the creation of the conditions necessary for the safe return of refugees. Over the past decade, the human rights monitoring capabilities of the United Nations and various regional bodies such as the Organization for Security and Cooperation in Europe (OSCE) had developed rapidly. The conditions within the Territory and the mandate of UNHCR, which was exclusively to monitor the return process, required the incorporation of those additional actors.

8. **Mr. Zahid** (Morocco) said that, as expected, the statement by the first petitioner on the question of Western Sahara had confirmed misgivings that the petitioner had no connection with the Territory. The statement had consisted of indiscriminate criticism of all aspects of the process, the settlement plan, MINURSO, and also a false interpretation of the Houston agreements. He wondered whether the petitioner had read paragraph 1 of the compromise agreement on outstanding identification issues. The petitioner had said that the parties had agreed that they would not present for identification anyone from tribal groupings H41, H61, or J51/52 other than persons included in the Spanish census of 1974, but had stopped there. That amounted to an incorrect interpretation of the text of the agreement, since it went on to say that the parties should not be obligated to actively prevent individuals from such tribal groupings from presenting themselves for identification. The reality was that persons in that category were presenting themselves for identification, which was confirmed by the reports of the Secretary-General which indicated that about 65,000 people had done so.

9. The question arose as to why the petitioner had not included those facts in his statement. He had also cast doubt on Morocco's willingness to ensure that the registration process was carried out. Morocco was one of the first States to have recognized the right to voluntary repatriation. It was incomprehensible that a State could be reproached for trying to ensure law and order. The presence of security forces to ensure the maintenance of order was provided for in the code of conduct for the referendum campaign in Western Sahara, as were questions of freedom of movement. However, judging by the statement, one had the impression that the settlement plan needed to be reviewed and everything needed to be started from the beginning.

10. Such statements in no way contributed to the work of the Committee, and Morocco's position therefore remained unchanged: petitioners who had no connection with a Territory should not be given permission to speak in the Committee.

11. **Mr. Bhatia** (Brown University) said that the key element which linked him and the other petitioners with the Territory was the need to ensure openness. That meant that, in order to ensure observance by both sides of the provisions of the Houston agreements it was necessary to involve persons from outside the Territory who had visited it, who were studying the question or who were interested in it. In other respects the arguments of the representative of Morocco were mainly rhetorical in nature and had not refuted what had been said.

12. **Mr. Zahid** (Morocco) said he had asked why the petitioner had confined himself to paragraph 1 of section I (Compromise agreement on outstanding identification issues), which stated that "the parties agree that they will not directly or indirectly sponsor or present for identification anyone from tribal groupings H41, H61 and J51/52 other than persons included in the Spanish census of 1974", and had declined to quote the next part of the paragraph which stated that "identification of any such individuals who may present themselves shall proceed as soon as possible". That was the substance of his question, which was anything but rhetorical. At the least, the petitioner might answer that question, as well as the question about the presence of non-governmental organizations which, as was well known, was governed by the code of conduct and settlement plan. It was incomprehensible that permission could be given for the presence of non-governmental organizations prior to the completion of the identification process. The questions he had raised were thus of an extremely specific nature.

13. **Mr. Bhatia** (Brown University) said he had pointed to the fact that persons included in the Spanish census of 1974 could present themselves for identification. The question was, however, whether such persons presenting themselves for identification were sponsored by the Government.

14. *Mr. Bhatia (Brown University) withdrew.*

15. *At the invitation of the Chairman, Mr. Ahmed (Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) took a place at the petitioners' table.*

16. **Mr. Ahmed** (Frente POLISARIO) said that, thanks to the Houston agreements, it had been possible to solve the major problems which had been impeding the implementation of the joint peace plan of the United Nations and the

Organization of African Unity. One of the problems had been that of identifying potential voters. Since the establishment of the Identification Commission for the referendum in Western Sahara, a total of 180,000 applicants had been convoked. Of those 147,000 had appeared for interview. It was common knowledge that in the original peace plan, it had been established that the electoral body would be determined on the basis of an updated 1974 Spanish census. However, Morocco had imposed on the United Nations a “retroactive” approach to solving that problem, which allowed the process to encompass Moroccan populations of allegedly Saharaoui origin. Of the 180,000 applications sent by persons convoked by the Identification Commission — a figure which represented an increase of more than 125 per cent of the Spanish census — more than 100,000 had been sent from Morocco. However, in the interests of cooperating with the United Nations, the Frente POLISARIO had accepted all those applications for the purposes of identification. According to the Houston agreements, that process had been concluded once the Identification Commission had convoked 117,000 applicants. Yet Morocco was demanding that the United Nations Mission for the Referendum in Western Sahara (MINURSO) should convoke another 65,000 Moroccan citizens belonging to the tribal groupings classified by the census as H41 and H61. That position was in violation of the provisions of the Houston agreements. Contrary to their obligations regarding cooperation, the Moroccan authorities had been creating innumerable difficulties and obstructions in other essential areas of activity which were absolutely unrelated to the identification process. The Secretary-General had expressed his concern about those problems in his report (S/1998/316). In addition, he had stated in that report that it was important that the United Nations demining activities should start as soon as possible. However, in subsequent reports, the Secretary-General had referred to problems that had arisen in that connection, stating specifically that, in spite of the progress made, the operational capabilities of the military units remained constrained, as their communication equipment had yet to be released by the Moroccan authorities from Laayoune airport. He had also stated that, despite assurances from the Moroccan authorities, the Mission continued to be confronted with bureaucratic and procedural problems in customs clearance of much needed items and equipment.

17. As members of the Committee were aware, the signature of the status-of-forces agreements was of the utmost importance. The United Nations Secretariat had submitted to the Moroccan authorities a draft agreement which was to be approved by 30 April 1998. However, no response had been received from Morocco until August, and the Secretary-

General had expressed the hope that an agreement might be concluded, noting that, while he welcomed the agreement of the Moroccan authorities to formalize the presence of the Office of the United Nations High Commissioner for Refugees (UNHCR), he remained concerned that they had yet to take concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote and their immediate families. It was clear from those reports that there were still serious problems on the way to the holding of the referendum. The Frente POLISARIO had fulfilled its obligations under the Houston agreements. The obstructions to the referendum process undermined the authority of the United Nations and were not in line with the promises of cooperation given to the Committee by the Moroccan representative during the previous session.

18. *Mr. Ahmed (Frente POLISARIO) withdrew.*

Agenda item 18: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (continued) (A/53/23 (parts II, V–VIII); A/AC.109/2102–2104, A/AC.109/2106–2110, and A/AC.109/2112–2118)

Agenda item 87: Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (continued) (A/53/23 (part IV, chap. VIII) and A/53/263)

Agenda item 88: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (continued) (A/52/23 (part III))

Agenda 89: 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/53/3* (chap. VIII, sect. D), A/53/23 (part IV, chap. VII) and A/53/130 and Corr.1; A/AC.109/L.1880; E/1998/176)

Agenda item 12: Report of the Economic And Social Council (continued) (A/53/3*)

Agenda item 90: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (continued) (A/53/262 and Add.1)

19. **Mr. Bune** (Fiji) said that the international community would be unable to carry out the task that was before it of eradicating all forms of colonialism by the year 2000; to

* To be issued later.

achieve that goal it would have to devise new approaches to resolving the problem. The principal reason for the lack of success was the lack of any willingness to cooperate and the lack of full support on the part of the administering Powers. He noted the willingness of the administering Powers to participate in an informal dialogue with the Special Committee. At the same time, he pointed out that such an informal dialogue had essentially been one of the means used by those Powers to dilute or amend the provisions contained in General Assembly resolutions. His delegation called on the Committee formally to invite the administering Powers to resume their membership in the Special Committee in order to provide an opportunity, jointly and collaboratively, to work towards the resolution of the political future of the remaining 17 Non-Self-Governing Territories. The resolution of that question required that the peoples of the Non-Self-Governing Territories should be given the opportunity freely and voluntarily to express their choice. With its mandate nearing its end, the Special Committee should establish priorities in its programme of work. The top priority in that programme should be to obtain the free and voluntary choice of the peoples of those Territories regarding their political future. The Committee should seriously consider and decide on the holding of referendums in each of the Non-Self-Governing Territories so that, on the basis of the mandates received from the peoples, negotiations could be held with the administering Powers to give expression to the will of the people.

20. The administering Powers must address with greater urgency programmes to promote economic, social and human development in the Territories. It was important that the institutional capacity of the Territories should be strengthened so as to lay the foundation for the exercise of self-determination. There was a need to consult fully with the peoples of the Territories on all plans and programmes for their development so that they were able to derive the benefits from the utilization of their natural resources. Particular attention should be paid to the guaranteeing, protection and enhancement of the fundamental rights of the indigenous peoples in those Territories, respect for their traditions, customs and culture, and the guaranteeing and protection of their rights to their ancestral lands and land tenure.

21. His delegation welcomed the agreements reached on Western Sahara, New Caledonia, East Timor and Tokelau and noted that the dialogue on the question of Gibraltar and the Falkland Islands was ongoing. In connection with the statement made by the representative of the United Kingdom to the Committee on 5 October, his delegation would like to recommend to that Government that, in addition to new initiatives, it should conduct in each of its Territories an

independent referendum through which the people could freely express their wishes regarding their political future.

22. **Mr. Mapuranga** (Zimbabwe) urged the administering Powers to cooperate with, and participate in the work of, the Special Committee on decolonization and to consult with the peoples of the Non-Self-Governing Territories to facilitate programmes of political education in order to foster an awareness of the possibilities open to the people in the exercise of their right to self-determination. At the same time, the United Nations should continue to promote the economic development of those Territories.

23. Western Sahara remained one of the unfinished items on the decolonization agenda. Seven years after the adoption of the United Nations settlement plan for the Territory, the Saharan people had yet to express their views in the referendum provided for in the plan. The recent Houston agreements brokered by the Personal Envoy of the Secretary-General, Mr. James Baker III, had put the process, which had been gradually sidelined, back on track. His delegation believed that the settlement plan remained the best option for achieving a long-lasting solution in the interests of both parties and for the sake of peace and security in the region, and urged the parties to engage in direct talks in order to resolve all outstanding issues and thus give the people of Western Sahara the opportunity to exercise their democratic right to determine their destiny through the referendum stipulated in the settlement plan.

24. **Mr. Dausá Céspedes** (Cuba) said that his delegation would like to dwell briefly on some decolonization issues that remained outstanding. That was of even greater importance as the end of the International Decade for the Eradication of Colonialism approached and in view of the need to develop a plan of action for the future. Despite repeated appeals by the Special Committee and the General Assembly, several of the administering Powers were still not transmitting the relevant updated information on the Territories under their control as stipulated in Article 73 *e* of the Charter of the United Nations. His delegation once again stressed that the transmission of such information was required of all administering Powers until such time as the General Assembly took a decision on the matter.

25. With regard to visiting missions, the cooperation of the administering Powers was by no means satisfactory. The dispatch of such missions to the territories enabled the Special Committee to gain first-hand information on local conditions and thus increase the ability of the United Nations to provide assistance to the peoples of those Territories.

26. The peoples of Non-Self-Governing Territories had the legal right to the use of their natural resources and, in

accordance with General Assembly resolution 2621 (XXV), his delegation once again called on the administering Powers to take legislative, administrative or other measures without delay to bring an end to the activities of enterprises under their jurisdiction which were engaged in the excessive exploitation of the resources of the Non-Self-Governing Territories. On the other hand, each year the Special Committee must repeat its concern about activities of a military nature which the colonial Powers continued to conduct in the Territories under their administration to the detriment of the rights and interests of the peoples affected. Military bases and installations in colonial territories clearly impeded the exercise of self-determination by the peoples of those Territories and they must be immediately withdrawn. His delegation also opposed any attempts to utilize the Non-Self-Governing Territories and zones adjacent to those Territories for nuclear testing, nuclear waste disposal or the deployment of weapons of mass destruction of any type.

27. The limited choices which small Non-Self-Governing Territories encountered in the area of development posed a particular problem. The solution would require cooperation and assistance from the specialized agencies and other organizations of the United Nations system. Despite the efforts made, the resources available continued to be inadequate and activities to coordinate the efforts of the various agencies of the system were not sufficiently effective.

28. **Mr. Crighton** (Australia) noted that one of the most important events in recent years had been the signing in New Caledonia of the Noumea Accords. His delegation applauded the efforts of all involved in arriving at a broadly acceptable settlement of the future of New Caledonia through peaceful negotiation. Within the framework of that agreement, New Caledonia would gradually assume greater political and social powers over the next 15 to 20 years. At the end of that period, the residents of New Caledonia would decide whether to assume the sovereign powers of currency, justice, defence, public order and external relations. As a friendly neighbour, Australia was fully committed to cooperative and constructive relations with New Caledonia.

29. **Mr. Minton** (United States of America) said that, in view of the vast variety of peoples, places and political circumstances around the world, the United States did not believe that a single standard of decolonization could be applied to every Territory. In fact, the term "non-self-governing" was not wholly applicable to residents of a land who were prosperous and healthy in social and economic terms; who could own property in their Territory; who were free to travel, migrate and return without restriction; who could establish their own constitution; who elected their Territory's public officers; and who had a voice in the United

States Congress. The majority of the Territories on the Fourth Committee's list of Non-Self-Governing Territories should be removed from the list. If the Committee recognized that most Territories sought either independence or full integration, the result would be a decrease in the number of Territories on the list.

30. Unfortunately, the Special Committee, which did not seem to be able to fulfil its mandate, was trying to become involved in other matters. Perhaps the time had come when the Fourth Committee no longer needed to operate through the filter of the Special Committee, whose time had already passed. The resolutions of the Fourth Committee also must change with the times so that they reflected reality. His delegation was especially disappointed by the Special Committee's decision to roll back the efforts that had resulted in the "omnibus resolution". The resolution on Guam represented a step backward, not forward, and would make it impossible to fulfil the mandate of decolonization by the year 2000.

31. The populations of the majority of the Territories in question no longer considered — if they ever had — that the activities of foreign economic interests or the presence of military installations in their Territories were detrimental to their interests. Such assertions were borne out neither by the reports prepared each year by the Secretariat nor by regional seminars or visiting missions. On the question of sending visiting missions to Territories, the usefulness of regional seminars and the modalities of visiting missions were still subject to discussion. Unfortunately, the Special Committee consistently ignored the efforts of some administering Powers to open a dialogue on those and other issues.

32. While his delegation recognized the Special Committee's interest in Guam, it felt that it was unfair to focus on that issue without also singling out the other Non-Self-Governing Territories. The United States supported the right of the people of Guam — *all* the people of Guam — to seek full self-government if they so desired. However, the people of Guam had thus far not sought to achieve self-government, and there were currently no indications that they intended to do so. Another aspect of the issue was the fact that the United States immigration policy took family interests into account. The vast majority of immigrants in Guam were sponsored by residents of that Territory. Sponsors of immigrants who had no family ties in Guam had to prove that the jobs to be performed by the new immigrants could not be performed by current residents of Guam. Even more significant was the fact that the draft resolution on Guam focused on the interests of only one segment of Guam's population: the segment that was related to the Chamorro people. The United States supported the right of all the

residents of Guam to express their views on the issue of the Territory's decolonization. It also supported the stable development of all forms of economic activity by all residents of Guam, regardless of how long they had been permanent residents on the island.

33. **Mr. Mahugu** (Kenya) said that, three and a half decades after the adoption of the Declaration on decolonization, there were still 17 Non-Self-Governing Territories. Although significant progress had been made in implementing General Assembly resolution 1514 (XV), much remained to be done to resolve outstanding issues. In that connection, he commended the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for its untiring efforts to eliminate the remaining vestiges of colonialism. He also recalled General Assembly resolution 46/181 of 19 December 1991, entitled "International Decade for the Eradication of Colonialism", and the Secretary-General's plan of action for freeing the world from colonialism by the end of the twentieth century. In accordance with the plan of action, the Special Committee had continued its visiting missions and had organized seminars to review the progress made in implementing the plan, with the participation of representatives of the peoples of Non-Self-Governing Territories, administering Powers and other interested parties. He supported the Special Committee's intention to review not only its methods of work but also the effectiveness of its strategies.

34. His delegation urged all administering Powers to continue to cooperate with the Special Committee to ensure that the plan of action was successfully implemented. He commended the Government of New Zealand for its cooperation with the people of Tokelau and its commitment to help them attain a greater degree of self-government and economic self-sufficiency in preparation for the determination of their future status. His delegation also welcomed the Secretary-General's recent encouraging report on the situation in Western Sahara. Significant progress had been made in the identification process, and he hoped that the outstanding issues, particularly those concerning certain tribes, would be addressed by the Secretary-General's Personal Envoy, Mr. James Baker III, during his next round of talks with the parties. He noted that the Office of the United Nations High Commissioner for Refugees (UNHCR) had continued its preparatory work for the repatriation of Saharan refugees, as provided for under the Settlement Plan. He welcomed the Moroccan Government's decision to formalize the presence of UNHCR and to give it free access to the Territory of Western Sahara. It was important that UNHCR should begin a number of pending activities in the Territory,

including confidence-building, infrastructure development and road reconnaissance. It was also important that the demining of sites for the repatriation of refugees eligible to vote and their immediate families, as well as other Saharan residents outside the Territory, had already begun. However, those activities could not be effectively completed until arrangements for the implementation of the repatriation programmes had been finalized between the United Nations Mission for the Referendum in Western Sahara (MINURSO) and the two parties. He hoped that those arrangements would be put in place as soon as possible.

35. It was necessary to proceed in a balanced and careful manner in addressing the remaining political and operational issues that still hampered the smooth implementation of the plan. He encouraged the parties concerned to continue to cooperate with the Secretary-General, through his Personal Envoy and his Special Representative, in seeking a final solution that would enable the referendum to be held as planned. He trusted that the efforts under way would break the impasse and ensure the smooth implementation of the settlement plan. Lastly, his delegation commended the work of the Fourth Committee, which continued to spearhead the international community's efforts in the area of decolonization.

36. **Mr. Kamal** (Pakistan) recalled that Article 73 (b) of the Charter of the United Nations emphasized the responsibility of the Administering Powers of colonized territories to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement. On the basis of those provisions of the Charter, the General Assembly had adopted on 14 December 1960 the historic Declaration on the Granting of Independence to Colonial Countries and Peoples, which affirmed that the process of liberation was irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith.

37. The world community could proudly contend, nearly 40 years later, that the realization of freedom for hundreds of millions of people all around the globe through a persistent and determined process of decolonization was a remarkable achievement of the United Nations. The international community must strengthen its efforts if it was to complete the process of decolonization before the close of the current millennium. Unfortunately, despite the efforts that had been made, 17 Non-Self-Governing Territories remained under the colonial yoke. Those Territories were dependent on the

support and cooperation of the international community in realizing their dream through the exercise of the right to self-determination.

38. Pakistan had consistently supported the right of self-determination for people all over the world. Unfortunately, despite the concerted efforts of the United Nations and the determination of Member States, the expression of self-determination continued to be curbed in many parts of the world. His delegation was deeply concerned at the failure of the international community to achieve the inalienable right of self-determination for the Kashmiri people, who had been under Indian occupation for over half a century. The international community had recognized the right of self-determination of the Kashmiri people, notably in Security Council resolutions 47 (1948), 51 (1948), 80 (1950), 96 (1951), 98 (1952) and 122 (1957). There was, however, a lack of commitment in seeking the implementation of those resolutions. All Security Council resolutions, without exception, must be implemented.

39. Over the past 10 years, India had used brute military force to suppress the indigenous struggle of the Kashmiri people for self-determination. Kashmir was currently occupied by more than 650,000 Indian troops. Over 60,000 Kashmiris had been killed, and women and girls were systematically raped as a strategy of war. Deaths in custody, arbitrary arrests, summary executions and disappearances were routine occurrences. In recent months, India had intensified artillery and mortar fire across the Line of Control in Kashmir. The unabated Indian atrocities and the denial of the Kashmiri people's right to self-determination was a challenge to the whole world, particularly for those who prided themselves on upholding freedom and fundamental human rights.

40. Jammu and Kashmir was a pure and simple case of neocolonialism. The Indian claim that Jammu and Kashmir was an integral part of India was not legally or historically tenable. Jammu and Kashmir was an internationally recognized disputed territory. It remained on the agenda of the United Nations as an unresolved dispute. The international community could not remain indifferent to the plight of the Kashmiri people. The denial of their right to self-determination was a violation of the Charter of the United Nations and of the principles outlined in the Declaration.

41. **Mr. Powles** (New Zealand) said that 1998 had been an important year in New Zealand's relations with the Special Committee in respect of Tokelau. In July, the Ulu-O-Tokelau, titular head of the Territory, had addressed the Committee. That had been the third time since 1987 that one of the

Faipule (elected leaders of the atolls) had addressed the Special Committee.

42. In terms of the history of decolonization after the Second World War, Tokelau hardly seemed typical. There were some 1,500 people living on the three atolls which made up Tokelau. Tokelau had never been a single political entity in the modern sense but rather comprised three villages which had been largely autonomous for hundreds of years. Nor did New Zealand's involvement fit the normal pattern. There had never, for example, been a resident New Zealand administrative presence in Tokelau.

43. During his presentation to the Special Committee in July, the Ulu had spoken of two concepts that were fundamental to Tokelau's thinking: "all fish under one rock" and "the house of Tokelau". The first signified that, in order to become fully self-governing, Tokelau had to ensure that all authorities were directly accountable to Tokelau institutions. The second involved looking at the foundation for full internal self-government — the villages — and laying a sound economic base. The General Fono, Tokelau's National Assembly, had endorsed those concepts in August as basic guidelines for the Territory's policy.

44. For New Zealand, as the Administering Power, such ideas about the way ahead involved the devolution of the executive and legislative powers that it had held. An important step, related to the work currently under way in Tokelau to put in place new village and national support services, would be the withdrawal of the New Zealand State Services Commissioner from his role as the employing authority of the Tokelau Public Service. The necessary legislative change was planned by the New Zealand Government to take place whenever Tokelau was ready. Against that backdrop, it was essential that the international community reassure Tokelau that it would continue to provide support after self-determination.

45. New Zealand continued to encourage Tokelau's constitutional, social and economic development. New Zealand and Tokelau had recently reached agreement on reshaping New Zealand's Official Development Assistance Programme in order to better meet Tokelau's new development needs while helping to build the modern "house of Tokelau". From 1 July 1999, New Zealand's Official Development Assistance to Tokelau would comprise three main elements: continuing support for self-government, involving a financial contribution; project support for agreed infrastructure, enterprise development and technical assistance activities; and a trust fund to cover recurrent government expenditure. In addition, in order to provide predictable and assured support, New Zealand was prepared

to commit itself to allocating not less than NZ\$ 4.5 million a year for ongoing support for self-government for the five-year period beginning 1 July 1999.

46. An important contribution to Tokelau's progress was also being made by the United Nations family. The United Nations Development Programme had been second only to New Zealand in providing assistance for the development of Tokelau, including through the production of materials on the draft Constitution and Tokelau law. The United Nations Children's Fund, the United Nations Population Fund, the United Nations Volunteers, the World Health Organization, the International Telecommunication Union and the United Nations Educational, Scientific and Cultural Organization had also all provided valuable support. New Zealand and Tokelau were pleased that the Special Committee had seen merit in adopting a separate resolution on Tokelau, given the positive developments that had been occurring. Lastly, he expressed his delegation's satisfaction at developments in New Zealand's nearest neighbour, New Caledonia, particularly the signing of the Noumea Accords in May 1998.

47. **Mr. Al-Anbuga** (Iraq) said that, although the century and the International Decade for the Eradication of Colonialism were coming to an end, a number of Territories were still languishing under the yoke of colonialism. Some people explained that by saying that the peoples of those Territories preferred to be governed by the administering Powers, that they did not want independence and that they were small in number and lived in geographically remote regions. Some administering Powers used those Territories as military bases so as to conduct their policy from a position of strength with respect to other States. They also used those Territories for the dumping of nuclear waste, the exploitation of their natural resources and other types of activity that were harmful to their environment.

48. His country had played an active part in the work of the Special Committee on Decolonization since its establishment. The Special Committee called for the process of decolonization in all its forms and manifestations, whether political, military or economic, to be speeded up. His country was also firmly opposed to any change in the demographic character of colonial Territories, the erosion of their historical, cultural and ethnic differences, and also against any impairment of the rights of colonial Territories to their historical and cultural heritage. It was in favour of extending to colonial countries the right to self-determination and independence, irrespective of the size or location of such Territories. It had been emphasized in statements by the representatives of Non-Self-Governing Territories that it was essential to take into account the activities of the administering Powers in the Territories and to take urgent

action to give effect to the mandate that was entrusted to the Special Committee under the resolutions of the General Assembly.

49. Nor should it be forgotten that the new forms of colonialism and hegemony that had been imposed on peoples were just as harsh as traditional colonialism. They frustrated the expression of the will of the people, damaged the environment of the developing countries and, worse still, imposed on them the values and culture of the metropolitan country. The colonial States shamelessly used all their political, economic and cultural might to attain those ends. International mechanisms were also used for the same purpose. The comprehensive sanctions against his own country were an attempt, in the interest of a dominant State, to punish a country, in spite of the fact that the sanctions served no further purpose. That showed that the old means of colonial oppression were still being deployed, although in a different form. In the struggle against colonialism it was essential to adopt a comprehensive approach, in politics, everyday affairs and programmes, in order to emphasize that the concepts of colonialism and hegemony were unacceptable to the international community.

50. **Mr. Alzayani** (Bahrain) said that the fifty-third session of the General Assembly was taking place on the eve of the third millennium and just before the year that would mark the fortieth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The International Decade for the Eradication of Colonialism, the focus of which was to achieve the goal of the comprehensive abolition of colonialism — which, however, still remained an unattainable dream for some of those who were suffering under the yoke of colonialism and exploitation — would soon come to an end. It could truthfully be claimed that the tireless struggle of the United Nations against colonialism was a justifiable source of pride and satisfaction, and was an example of the historic role that the Organization had played throughout the world in the cause of decolonization.

51. The basis of the process of decolonization was the right of peoples to self-determination, independence and equality set forth in the United Nations Charter. Thirty-eight years after the adoption by the United Nations General Assembly of resolution 1514 (XV) on 14 December 1960, efforts to achieve the total elimination of colonialism were still continuing. To that end, the General Assembly had adopted a number of instruments, including resolution 35/118 of 11 December 1980 the annex to which contained the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, by which the General Assembly had reaffirmed the inalienable

right of all peoples under colonial domination to self-determination and independence. Those actions had enabled many countries to rid themselves of slavery and colonial dependence and to take their place in the community of nations. The Special Committee on Decolonization had made a significant contribution to that process. Colonialism was incompatible with the United Nations Charter and the norms of international law, hindered international economic cooperation and impaired the social, cultural and economic development of the Non-Self-Governing Territories.

52. **Mr. Khan** (India) said that the debate that was taking place provided an opportunity not only to underscore a faith in the principles that had guided the role of the United Nations in the historic process of decolonization, but also to discuss how best to bring that collective effort to fruition. At the present time, in the closing years of the century, it could legitimately be claimed that the trust imposed by the adoption of the Charter of the United Nations and the Declaration on Decolonization had been fulfilled. Much of the world was free, but the vestiges of colonialism remained a matter of concern. Near the end of the International Decade for the Eradication of Colonialism, all people should approach the remaining tasks in a spirit of cooperation, understanding, political realism and the required flexibility. The administering Powers should fulfil their obligation to protect the economies and ecologies of those Territories while providing their people with the opportunity to decide what was in their best interest. The core of the endeavour should continue to be to satisfy the desires of the people of the remaining Non-Self-Governing Territories. It was for the people of those Territories themselves to choose the kind of political system they preferred.

53. As a founder Member of the United Nations, his country had always associated itself fully with the important and arduous task of obtaining the noble goal of decolonization and was proud to have been among the co-sponsors of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It would, as always, continue steadfastly to extend support for the cherished values of humaneness, coexistence, progress and freedom.

54. **Ms. Fei** (Singapore) said that since the 1960s her country had provided technical assistance to other developing countries, including Non-Self-Governing Territories. It had provided technical assistance in areas in which it had the expertise. Through such programmes, her country hoped to be able to share positive aspects of its development experience with other developing countries, including Non-Self-Governing Territories, thereby contributing to the development of their economies.

55. Her Government was pleased to inform the Committee that, in the past five years, 22 officials from seven Non-Self-Governing Territories had either attended short-term training courses in her country or had made a study visit to Singapore under its cooperation programme. In the framework of that overall programme, technical assistance programmes were formulated to meet the training needs of interested countries. Her country provided training in several areas, including civil aviation, port management, environment management, telecommunications, productivity, information technology, banking and finance. It was committed to sharing its development experience with other developing countries including Non-Self-Governing Territories.

56. **Mr. Tekaya** (Tunisia) said that the United Nations had translated into reality the principles of freedom and human dignity and had enabled peoples under colonial domination to determine their destiny. Nevertheless, that work was not yet completed, since a number of Territories were not yet able to realize their right to self-determination. That was all the more urgent, now that the Organization had set itself the task of eliminating colonialism by the end of the twentieth century. In order to complete that process, it was necessary to determine, together with all interested parties, the phases and means of attaining the set goals. In that connection, it would be useful to develop cooperation between the Special Committee and the administering Powers, providing for general measures by agreement between the two parties and with the participation of the population of the Territories concerned. It was necessary to know the aspirations of those peoples, since they needed to make a free choice and to determine their own future political status. The Special Committee's task was to assist them in that process.

57. The dissemination of information on colonization made peoples more aware of their rights and of the opportunities for realizing those rights. The cooperation of the administering Powers was very significant, since it helped to create the conditions needed for realizing those rights. There was also a need to monitor the situation in the Non-Self-Governing Territories and to assess it in order to facilitate their economic and social development. In that connection, the regular transmission of information by the administering Powers of information on the economic and social conditions and also on the political situation in the Territories, as well as the conduct of seminars and of visiting missions to the Territories, constituted an effective means which should be more widely used in practice.

58. **Mr. Yousefi** (Islamic Republic of Iran) said that decolonization was an area in which the United Nations had played an important role, resulting in remarkable achievements in addressing the aspirations of peoples for self-

determination and independence. However, some territories remained on the list of Non-Self-Governing Territories. Therefore, it could not be ignored that decolonization was yet to be completed, and required further practical solutions for the protection of the inalienable rights of the peoples of those Territories.

59. At the end of the International Decade for the Eradication of Colonialism and on the eve of the new millennium, it was unfortunate that the process of decolonization had not yet been concluded. The international community should redouble its efforts at fulfilling the aims of a world free of colonial domination. His delegation believed that the principle of self-determination with respect to the remaining Territories within the framework of the Plan of Action should be implemented in accordance with the relevant General Assembly resolutions and the Charter of the United Nations.

60. His delegation called on the administering Powers to cooperate further with the Special Committee in the discharge of its mandate and to participate actively in the work relating to the Territories under their respective administrations. The peoples of those Territories had to be given the opportunity to exercise their right to choose their own future freely. In that regard, the Special Committee must continue its efforts for a speedy and unconditional end to colonialism in all its forms and manifestations, in accordance with the Declaration on decolonization.

61. With regard to the informal consultations between the Special Committee and the administering Powers in recent years, his delegation believed that those consultations had to be strengthened and transformed into formal cooperation and formal participation in the work of the Special Committee. It was imperative that the administering Powers should consider a new approach vis-à-vis the work of the Special Committee and render their cooperation where required.

62. His delegation emphasized the need to dispatch periodic visiting missions to Non-Self-Governing Territories in order to facilitate the full, speedy and effective implementation of the Declaration on decolonization. In the light of the constructive role played by such missions in the past, the General Assembly should attach utmost importance to the dispatch of visiting missions as a means of collecting adequate first-hand information on conditions in the Non-Self-Governing Territories.

63. He reiterated the need for the transmission of information by the administering Powers under Article 73 (e) of the Charter. Moreover, the contribution of the representatives of the Non-Self-Governing Territories to the work of the Special Committee was valuable, since they were

able to provide information on the latest developments in the Territories. The General Assembly should renew its appeal to the administering Powers to cooperate more closely and formally with the Special Committee and to take all necessary steps for implementation of the Declaration and the relevant United Nations resolutions.

64. **Mr. Hassan** (Nigeria) said that Nigeria supported the principles of self-determination as enunciated in the Declaration on decolonization. It likewise supported all actions consistent with the Charter of the United Nations aimed at the elimination of colonialism all over the world. It believed in the efficacy of those principles and urged strict implementation of General Assembly resolutions on decolonization and self-determination.

65. Nigeria commended the innovative approach adopted by the Special Committee. Nigeria would continue to give its full support to the Special Committee in its endeavour to implement its objective of bringing an end to the era of colonialism by the year 2000. Assistance should be given to the colonial Territories to help establish sound economic foundations and good political education so as to enable them to carry the responsibilities of self-government. The United Nations and its specialized agencies should increase development-assistance programmes to the Non-Self-Governing Territories, especially in human-resources development. His delegation would continue to participate actively in the work of the United Nations and its agencies to ensure the implementation of the International Decade for the Eradication of Colonialism. It would continue to cooperate closely with all members of the Fourth Committee to ensure the attainment of that noble goal.

66. **Mr. Bandora** (United Republic of Tanzania) noted that the United Nations would soon be celebrating the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights. That would afford the international community the opportunity to assess its performance in the area of human rights and to look at decolonization as one of its most important accomplishments in the promotion of that fundamental human right, the right to determine one's own political destiny. The growth in the membership of the Organization had been in large measure a result of the exercise by countries and peoples of their right to self-determination and independence. It should not be forgotten, however, that there remained 17 Territories whose people had so far not been able to exercise that right. Responsibility for that situation rested not with the United Nations but with those who continued to exercise colonial control over those Territories and who moved reluctantly towards granting them their right to self-determination. The onus of granting the Non-Self-Governing Territories their right to self-

determination rested with the administering Powers, and the United Nations had the responsibility to continue urging those Powers to expedite that process. The international community must have a continuing commitment to that principle and must continue holding the administering Powers to their responsibilities towards the Territories as well as to their obligations towards the rest of the international community. Their responsibilities included putting in place effective social and economic development programmes, giving them greater say in the exploitation of their natural resources and use of the accruing earnings, initiating and expanding, in consultation with the peoples of the Territories, political-education programmes to foster greater awareness by the people of their own and the global political environment as well as sensitizing them to the political-status options open to them in the exercise of their right to self-determination. In pursuance of Article 73 (e) of the Charter of the United Nations, the administering Powers must continue to transmit information on the Territories and to facilitate United Nations visiting missions to ascertain the level of progress and of preparedness of the population to exercise freely their right to self-determination.

67. It should be noted that a number of positive developments had taken place in the course of the past year. His delegation was particularly encouraged by the progress made in Western Sahara, in particular the willingness expressed by the parties to the conflict — the Frente POLISARIO and the Kingdom of Morocco — to work together towards the implementation of the settlement plan in accordance with the Houston agreements, and the statement by the Personal Envoy of the Secretary-General that he intended to initiate an evaluation of the plan to see whether it could be implemented in its present form or would require some adjustments. His delegation had also taken note of the progress made in the negotiation of a status-of-forces agreement between Algeria, Morocco and Mauritania. The conclusion of that agreement would be another major step towards the comprehensive implementation of the settlement plan. Both the Organization of African Unity and the United Nations were responsible under the plan for ensuring that the people of Western Sahara were given the opportunity to exercise their right to self-determination.

68. His delegation had also taken note of the agreement reached with regard to the future of East Timor. It urged the Governments of Indonesia and Portugal to continue their dialogue in order to reach definitive agreement on a permanent status for East Timor, taking into account the wishes of its people.

69. **Mr. Mekdad** (Syrian Arab Republic), speaking in exercise of the right of reply, said that he wished to comment

on the statement made by the representative of the United States with regard to the mandate of the Special Committee on decolonization and its activities. A member of his delegation had had the honour of serving as Rapporteur of the Special Committee for a number of years. Like many other countries of the world, the Syrian Arab Republic was proud of the Special Committee's achievements. Many of the States now represented in the United Nations had achieved membership thanks to the efforts made by the Special Committee on decolonization on their behalf. The real difficulty was that some parties did not allow the Special Committee to perform its functions properly and that 17 Non-Self-Governing Territories were still under one form or another of colonial rule. At the same time, there had been a number of encouraging developments, particularly with regard to relations between New Zealand and Tokelau, and between France and New Caledonia, and so on. His delegation believed that the Special Committee's mandate was more significant today than ever. As for its activities, his delegation considered that everything possible should be done to enable it to establish contact with the people of the Non-Self-Governing Territories. Some States continued to prevent the Special Committee from doing its work and did not allow it to send visiting missions to those Territories. The Special Committee's visiting missions were the only way in which it could receive first-hand information and learn the wishes of the people of the Non-Self-Governing Territories. It was encouraging that an overwhelming majority of the world supported the role of the Special Committee. That support had been expressed in the Fourth Committee and at the summit meetings of the non-aligned movement. Instead of seeking to cast doubt on the role of the Special Committee, it would be better to enter into a direct dialogue with it and allow it to carry out its work.

70. **Mr. Ovia** (Papua New Guinea), speaking in exercise of the right of reply said that he wished to comment on the statement made by the representative of the United States. His delegation believed that the Special Committee on decolonization could make significant progress when it had the full cooperation of the administering Powers. Examples of such cooperation could be found in the relations between France and New Caledonia and between New Zealand and Tokelau, as well as in many other Territories. In that connection, he appealed to the United States to cooperate fully so that the Special Committee could make progress in its work. He thanked all the Members of the United Nations for their support of the work of the Special Committee. In his opinion, the statement by the United States representative that perhaps the Special Committee's time had passed contradicted the general trend. With regard to the question

of Guam, the degree to which the separate resolution on it represented a step forward or backward, the representatives of the people of Guam had already addressed the Committee and in his delegation's opinion, it was a step forward. At present what was important was the wording to be used in the resolution and he called on delegations to consider, together with the people of Guam, the contents of the resolution and to continue their efforts to put an end to colonialism.

71. With regard to the question of the holding of regional seminars, he said that for many years the Special Committee on decolonization had requested that visiting missions should be sent. Visiting missions to specific Territories such as Guam and meetings with their inhabitants enabled the Special Committee to make progress in its work. He was convinced that only by means of visiting missions could the Special Committee and other parties learn about the situation on the spot.

72. **Mr. Benitez Verson** (Cuba), speaking in exercise of the right of reply, said that his delegation would certainly prefer that a spirit of cooperation rather than confrontation should prevail in the Committee's work because cooperation was the best way to support the efforts of the United Nations in the field of decolonization. Nevertheless, after the statement made by the representative of the United States, his delegation had no choice but to exercise its right of reply. After the adoption by the General Assembly of dozens of resolutions on the question of decolonization on the recommendation of the Special Committee, the United States delegation was announcing to the Committee that its mandate no longer had any meaning. To call into question the mandate of the Special Committee on decolonization at a time when the United Nations had still not achieved the goals of the International Decade for the Eradication of Colonialism was not only surprising but would have very dangerous consequences. In its statement, the representative of the United States had also called into question the usefulness of holding regional seminars. In its resolutions on the subject the General Assembly took the diametrically opposite point of view. It emphasized the importance of such seminars as a means of fostering the exchange of opinions and of ensuring the participation of the Non-Self-Governing Territories, the administering Powers and experts. Finally, in connection with the statement that the Special Committee had taken a step backwards on the question of Guam, he said that the Committee was doing everything possible to achieve an agreement satisfactory to all sides while taking into account the legitimate interests of the people of Guam. He expressed regret at the lack of cooperation on the part of the administering Power in seeking to achieve those goals. The first step in the right direction would be for the United States

finally to allow a visiting mission to visit the Territory of Guam so that it could learn at first hand how matters stood. Unfortunately, despite repeated requests, more than 20 years had elapsed since a mission had been able to visit Guam.

The meeting rose at 1 p.m.