



General Assembly

Distr.
GENERAL

A/AC.109/1999/SR.8
3 August 1999

ORIGINAL: ENGLISH

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 109th MEETING

Held at Headquarters, New York,
on Monday, 28 June 1999, at 10 a.m.

Chairman:

Mr. DONIGI

(Papua New Guinea)

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

ADOPTION OF THE AGENDA

1. The agenda was adopted.

QUESTION OF NEW CALEDONIA (A/AC.109/1999/6)

2. The CHAIRMAN drew attention to the working paper prepared by the Secretariat on New Caledonia (A/AC.109/1999/6) and said that, since consultations on the draft resolution relating to the item were still ongoing, the Committee would consider the matter at a later date.

REQUESTS FOR HEARINGS

CONSIDERATION OF THE QUESTIONS OF THE NON-SELF-GOVERNING TERRITORIES

Hearing of representatives of Non-Self-Governing Territories

Question of the United States Virgin Islands (A/AC.109/1999/7 and Corr.1)

3. At the invitation of the Chairman, Mr. Corbin (Minister of State of the United States Virgin Islands) took a place at the table.

4. Mr. CORBIN (Minister of State of the United States Virgin Islands) said that it was ironic that the International Decade for the Eradication of Colonialism had been marred by an increasing lack of compliance with General Assembly resolutions on decolonization. Since 1996, it had been implied that there might be legitimate political status options other than those which provided for absolute political equality as defined in General Assembly resolution 1541 (XV), despite the fact that the recommendations of regional seminars held in the Caribbean and the Pacific had consistently maintained that the level of political equality inherent in the three political status options set forth in that resolution was the operative standard for determining whether a Territory had attained a full measure of self-government.

5. The General Assembly's annual resolutions on decolonization no longer encouraged the Territories to participate in the work of the Special Committee or affirmed the inalienable right of the peoples of those Territories to own, develop or dispose of their natural resources. Furthermore, the reference to "suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination" had been removed from the annual resolutions of the General Assembly, and the report on that matter which the Special Committee had been asked to submit to the Assembly had never been produced.

6. The General Assembly's resolutions and decisions on decolonization during the current decade should be analysed to determine the extent to which they had been implemented and why some of them had been ignored. There was also need for a report on the degree to which the recommendations of the regional seminars had

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been incorporated into the Assembly's annual resolutions. The recommendations of those seminars, together with implementation of the Assembly's resolutions on decolonization, could serve as the basis for an enlightened plan of action on the self-determination of the remaining small island Territories. They would also help to counter attempts to relieve the international community of its charter-based responsibility to promote self-government by encouraging the illusion that the people of the Territories did not deserve full equality and, in some instances, that they need not be consulted on their own future.

7. He suggested that the Chairman of the Special Committee should submit a report on the issue of decolonization to the Third Committee under the agenda item on the right of peoples to self-determination and should endeavour to ensure the inclusion of appropriate language in the Third Committee's resolution on small island decolonization issues. The current two-day discussion of small island issues in the Special Committee and one additional day of discussion in the Fourth Committee were woefully insufficient, particularly as the text of the annual resolution was usually drafted before the representatives of the Territories had addressed the Special Committee.

8. The agenda item on implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples should be shifted from the Fourth Committee to the Second since the issue was essentially an economic one, and the item should be retitled "Assistance to the Non-Self-Governing Territories" in order not to give the impression that the Special Committee was interested only in forcing immediate independence on the small islands, a perception which prevented many of the territorial Governments, especially in the Caribbean, from participating in its work. The Special Committee should also consider changing its name to the Special Committee on the Self-Determination of the Non-Self-Governing Territories, and its mandate should include the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and adherence to the principles of political equality.

9. Although the Chairman of the Special Committee held consultations with the President of the Economic and Social Council, it did not appear that any concrete benefits for the people of the Territories resulted from those consultations. Most of the specialized agencies and other international organizations associated with the United Nations failed to respond to requests for information on their activities in implementation of the Declaration; a way must be found to make those bodies aware of the importance of implementing their mandates to assist the Territories in the areas of socio-economic and constitutional development. The Committee should also ensure that it had adequate resources to implement the provisions of the Plan of Action of the International Decade for the Eradication of Colonialism so that regional experts could be hired to undertake the studies called for in the Plan, and it should coordinate its activities with those of other United Nations bodies which focused on governance, particularly with respect to the powers enjoyed by the elected Governments of the Territories.

10. While the basis for extending the Special Committee's mandate was not linked to the International Decade, its future effectiveness would be determined in large measure by its willingness to adapt to a more complex process of self-determination focusing on the small island Territories. Creative

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engagement on the part of the United Nations system and the regional organizations in the provision of economic and technical assistance to the Territories would determine whether the Committee could regain its momentum. Lastly, the General Assembly should declare a second international decade on the eradication of colonialism since the first would end without a true resolution of the issue.

11. Mr. MEKDAD (Syrian Arab Republic) said that changes in recent decades, particularly since the end of the so-called cold war, had had an impact on all issues relating to the Non-Self-Governing Territories. He agreed with Mr. Corbin's remarks on the Special Committee's methods of work in relation to the relevant General Assembly resolutions and on the need for new momentum in order to achieve the goals for which it had been established. However, that task was not a simple one. The Special Committee's members might agree on approaches to certain problems, but matters did not lie solely in their hands.

12. A number of administering Powers claimed that there were no remaining colonies or Non-Self-Governing Territories and that there was thus no basis for the Committee's work. Moreover, almost all the administering Powers believed that the people under their administration had, in fact, achieved self-determination. The Special Committee must endeavour to convince the administering Powers and the international community as a whole that the people of the Territories, both large and small, had a right to self-determination which they had not yet been able to exercise.

13. The CHAIRMAN said that, after consultation with the Bureau, he had recently appointed the Permanent Representative of Saint Lucia to coordinate all of the Special Committee's resolutions on the Caribbean region and suggested that Mr. Corbin should consult with the Permanent Representative while in New York.

14. Mr. TANO-H-BOUTCHOUÉ (Côte d'Ivoire) said that Mr. Corbin was not the first to reproach the Special Committee for having permitted the strength of General Assembly resolutions on decolonization to be attenuated to the point that in many cases, they no longer reflected the aspirations of the populations of the Territories as a result of pressure from the administering Powers. The Special Committee was mandated by the international community to work towards the achievement of self-determination for the Non-Self-Governing Territories, and it should endeavour to be less easily dissuaded from that task. It was also necessary for the people of the Territories to support the Special Committee in its work and to make their voices heard in order to counter the administering Powers' efforts to depict colonialism as a thing of the past.

15. Mr. LEWIS (Antigua and Barbuda) said that his delegation wished to associate itself with the statements by the representatives of the Syrian Arab Republic and Côte d'Ivoire. The Caribbean countries were bound together by a common African heritage and a spirit of solidarity, which had been evident in the regional response to the political crises in Grenada and Haiti. The Non-Self-Governing Territories were an integral part of the region, and the Governments of the independent States were endeavouring to involve them in every aspect of the cooperation between them.

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16. His delegation was concerned that the administering Powers were failing to protect the natural resources of the Caribbean Territories, where indiscriminate fishing posed a real threat to marine resources. It had also been disturbed by the attempts of one administering Power to perpetuate its influence in the region by linking the granting of official development assistance to the cessation of capital punishment, which constituted unacceptable interference. Clearly, the Non-Self-Governing Territories need not look to that State for lessons in good governance.

17. The more passive language of recent General Assembly resolutions on self-determination was connected with the lack of effective participation by representatives of the Non-Self-Governing Territories in the forums at which self-determination was discussed. It appeared that invitations to participate in the regional seminars organized by the Committee addressed to the representatives of the Territories and transmitted through the administering Powers were often not received.

18. The Committee itself was to some extent to blame for the failure of the administering Powers to engage with it. Having organized the regional seminars, it had at first failed to agree whether to adopt or merely note the conclusions of those seminars. Such inconsistency had led the administering Powers to question the very purpose of the seminars. The Committee must also be more forthright in presenting the situation in the Territories. It was an independent body and must act as such. Since its cause was just, it need not fear the reaction of the administering Powers, and it should urge them to listen to its voice.

19. Mr. OVIA (Papua New Guinea) asked what the Minister of State of the United States Virgin Islands understood by the term political equality. In Papua New Guinea, the will of the people was considered paramount in deciding the country's future. With regard to the Non-Self-Governing Territories, he wondered whether it was necessary to hold referendums to ascertain the wishes of the people or whether their elected representatives could be considered to speak for them, as the administering Powers maintained. As the International Decade for the Eradication of Colonialism neared its end, it was clear that the goals of the Decade had yet to be fully realized. Some means of continuing the activities of the Decade would have to be found, and he would welcome the views of the Minister of State on that subject.

20. The situation of the Non-Self-Governing Territories of the Pacific was always high on the agenda of the South Pacific Forum. Regional groups had a role to play in the decolonization process, and he therefore welcomed the active participation of the Caribbean Community in the work of the Committee. It was also important that the voice of the peoples of the Territories should be heard. He urged the Minister of State of the United States Virgin Islands to work closely with the Permanent Representative of Saint Lucia, who was coordinating the Committee's resolutions on the Caribbean Territories.

21. Mr. EGUIGUREN (Chile) asked what the views of the Minister of State of the United States Virgin Islands were regarding the intention of the newly elected Governor of the Territory to call a convention to revise the current Constitution.

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22. Mr. STANISLAUS (Grenada) said that the Committee would not achieve practical results if it worked in isolation. Currently, it appeared to have reached an impasse in its relations with the administering Powers. Communication with them was vital. The Committee should ascertain, in particular, how they understood the concept of self-determination. The Dependent Territories of the United Kingdom were henceforth to be referred to as Overseas Territories. The Committee should determine whether that development reflected an improvement in their status.

23. Mr. TANOH-BOUTCHOÛÉ (Côte d'Ivoire), referring to the low participation by representatives of Non-Self-Governing Territories in the seminars held by the Committee, asked whether they were aware of the alternatives to full independence advocated by the Committee in its resolutions, which included free association and integration. Representatives of the Territories who favoured other approaches should make their views known to the Committee.

24. Mr. CORBIN (Minister of State of the United States Virgin Islands) said, in reply to the representative of Syria, that at one time the Sub-Committee on Small Territories, which no longer existed, had prepared detailed working papers and conducted in-depth discussions of the issues specific to small Territories, resulting in more detailed and up-to-date resolutions. As for the impact of the end of the cold war on the status of the Non-Self-Governing Territories, while their status had not changed, the perception of the issues surrounding them had. States with influence on the process viewed decolonization as a relic of the cold war, hence the pressure for generalization of the process, along with "decolonization disengagement".

25. He advocated involvement of other United Nations bodies, for example the Third Committee and UNDP, as a way for the Committee to break out of its isolation and agreed with the representative of Papua New Guinea that a second decade was needed, as the issues under discussion had remained substantively the same, and the work would not be completed by the end of the current Decade. During that second decade the Committee could consider the issues of its name and mandate.

26. Although some Territories had begun a process of popular consultation and some had held referendums during the Decade, in most cases a full range of options had not been presented. It was premature to state that a Territory had achieved self-government simply because discussion of the issue had begun. It was also not a valid argument that general elections could somehow replace popular consultation to discern the will of the people. Such elections were usually held on economic issues; questions of political status did not arise. They also took place within the framework of the relationship with the administering Power. In reply to the representative of Côte d'Ivoire, he said that representatives of the Non-Self-Governing Territories often did not participate in the work of the Committee because of the perception that its purpose was to promote independence only. The Committee's name itself added to that perception.

27. The representative of Antigua and Barbuda had referred to the interconnectedness of the Territories, which was true not only among themselves but at the regional level as well. The linkage that he had noted between

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abolition of the death penalty and aid was a symptom of a wider issue. Reference had been made to a working paper of the United Kingdom, which referred to "overseas" rather than dependent Territories, in effect modifying their status to include new rights within the Territory. However, there was a question that those rights would be granted as quid pro quo for application of European Union laws, with an impact on the offshore financial sectors of the Territories and some independent States as well. The issue of governance should be considered specifically in the context of devolution of power to civil authority, i.e. an elected Government. The Committee could pursue linkages with UNDP, which had developed a number of programmes in that area.

28. The representative of Papua New Guinea had inquired about the meaning of political equality. It should be defined as full self-government, which could take a long time to achieve. Alternatives to independence had been developed, free association for instance, but the ultimate goal must remain full political equality. The United Nations must maintain oversight of the process until it was complete. Territories must not be removed from the list of dependencies simply because the process had begun, but must remain on the list until full independence was achieved, even if that took years. Anything short of that would be to legitimize the very situations which the Committee had been working to correct.

29. The CHAIRMAN inquired about legislation in Non-Self-Governing Territories dealing with the right of peoples to own, develop and dispose of their natural resources.

30. Mr. CORBIN (Minister of State of the United States Virgin Islands) said that most Territories had such legislation, based on the idea that resources should be under the control of the people. It had been used to transfer ownership of both land and marine resources. Other issues, such as use of exclusive economic zones, were dealt with under the Convention on the Law of the Sea. Some major issues had arisen over fishing rights in such zones, which were governed by local laws based on regional agreements.

31. The CHAIRMAN said that experience in other parts of the world had shown that native peoples had gained fishing rights in exclusive economic zones. The Committee might wish to consider that issue in the future.

The meeting rose at 12.05 p.m.