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**Fifty-seventh session**

Agenda item 19

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples****Chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to specific Territories not covered by other agenda items****Report of the Special Political and Decolonization Committee (Fourth Committee)***Rapporteur:* Mr. Andrej Droba (Slovakia)**I. Introduction**

1. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-seventh session the item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" and to refer to the Special Political and Decolonization Committee (Fourth Committee) those chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to specific Territories.<sup>1</sup>

2. At its 1st meeting, on 26 September 2002, the Fourth Committee decided to hold a general debate covering agenda items 19, 80, 81, 82 and 12, and 83. The general debate on the items was held at the 2nd, 3rd, 5th and 6th meetings, on 30 September and on 1, 3 and 4 October (see A/C.4/57/SR.2, 3, 5 and 6). The Committee took action on item 19 at its 6th meeting, on 4 October (see A/C.4/57/SR.6).

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<sup>1</sup> To be issued in *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23 (A/57/23)*.

3. The chapters of the report of the Special Committee<sup>1</sup> concerning the Territories that were not covered by other agenda items related to the following Territories:

<i>Territory</i>	<i>Relevant chapter of the report of the Special Committee</i>
Gibraltar	A/57/23 (Part II), chapter IX
New Caledonia	
Western Sahara	
American Samoa	A/57/23 (Part II), chapter X
Anguilla	
Bermuda	
British Virgin Islands	
Cayman Islands	
Guam	
Montserrat	
Pitcairn	
St. Helena	
Turks and Caicos Islands	
United States Virgin Islands	
Tokelau	A/57/23 (Part II and Add.1), chapter XI

4. For its consideration of the item, the Fourth Committee also had before it the report of the Secretary-General on the question of Western Sahara (A/57/206).

5. At the 2nd meeting, on 30 September, the Rapporteur of the Special Committee made a statement (see A/C.4/57/SR.2) in which he gave an account of the relevant activities of the Special Committee during 2002. He also drew attention to the chapters of the report of the Special Committee referred to in paragraph 3 above, and chapter XIII, containing, inter alia, the related draft resolutions submitted by the Special Committee for the consideration of the Fourth Committee, and to the relevant working papers of the Special Committee (A/AC.109/2002/2 and Add.1 and A/AC.109/2002/3-15 and 17).

6. At the same meeting, the representative of Saint Lucia made a statement in his capacity as Chairman of the Special Committee (see A/C.4/57/SR.2).

7. At its 3rd meeting, on 1 October, the Fourth Committee granted requests for hearing to the following petitioners in connection with its consideration of the item:

- (a) Joe J. Bossano, Leader of the Opposition, Gibraltar (A/C.4/57/2);
- (b) Miquel Mayol i Raynal, Member of the European Parliament (A/C.4/57/3);
- (c) José Francisco Alonso Rodríguez, President, Human Rights League of Spain (A/C.4/57/3/Add.1);
- (d) Juan Soroeta Liceras, Professor of International Law, Universidad del País Vasco, Spain (A/C.4/57/3/Add.2);

- (e) Cristina Navarro Poblet, Lawyer, Spain (A/C.4/57/3/Add.3);
- (f) Antonio López Ortiz, Secretary of the Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui, Spain (A/C.4/57/3/Add.4);
- (g) Felipe Briones Vives, President, International Association of Jurists for Western Sahara (A/C.4/57/3/Add.5);
- (h) Claudina Morales, Senator, Spain (A/C.4/57/3/Add.6);
- (i) Juan Carlos Giraldo, President, Médicos Mundi, Spain (A/C.4/57/3/Add.7);
- (j) Boukhari Ahmed, Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) (A/C.4/57/3/Add.8);
- (k) Hilt Teuwen, Oxfam Solidarity, Belgium (A/C.4/57/3/Add.9);
- (l) Suzanne Scholte, President, Defense Forum Foundation (A/C.4/57/3/Add.10);
- (m) Nina May, Chairperson, The Renaissance Foundation (A/C.4/57/3/Add.11);
- (n) Charisse Glassman, Office of the Under Secretary for International Trade, United States Department of Commerce (A/C.4/57/3/Add.12);
- (o) Dan Stanley, Pastor, Manna Church (A/C.4/57/3/Add.13);
- (p) Frank Ruddy, United States Ambassador (retired) (A/C.4/57/3/Add.14);
- (q) Joseph R. Pitts, Member of the United States Congress (A/C.4/57/3/Add.15);
- (r) Vanessa Ramos, Secretary General, American Association of Jurists (A/C.4/57/3/Add.16).

8. At the 4th meeting, on 2 October, with the Committee's consent and in accordance with established practice, the representative of the Government of the United States Virgin Islands, Carlyle Corbin, made a statement (see A/C.4/57/SR.4).

9. At the same meeting, the Committee heard the following petitioners: Miquel Mayol i Raynal, José Francisco Alonso Rodríguez, Juan Soroeta Licerias, Cristina Navarro Poblet, Antonio López Ortiz, Felipe Briones Vives, Claudina Morales, Boukhari Ahmed, Hilt Teuwen, Suzanne Scholte, Nina May, Dan Stanley, Frank Ruddy, Karin Finkler (on behalf of United States Congressman Joseph R. Pitts) and Gilma Camargo (on behalf of the American Association of Jurists) (see A/C.4/57/SR.4).

10. At the 5th meeting, on 3 October, with the Committee's consent and in accordance with established practice, the Chief Minister of Gibraltar, Peter Caruana, made a statement (see A/C.4/57/SR.5).

11. At the same meeting, the Leader of the Opposition in Gibraltar, Joe J. Bossano, made a statement (see A/C.4/57/SR.5).

12. Also at the same meeting, with the Committee's consent and in accordance with established practice, a representative of the Office of the Governor of Guam, Leland Bettis, made a statement (see A/C.4/57/SR.5).

## **II. Consideration of proposals**

13. At the 6th meeting, on 4 October, the Chairman stated that the Secretariat had informed him that there were no programme budget implications of the proposals relating to Western Sahara, New Caledonia and American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands.

### **A. Western Sahara**

14. At its 4th meeting, on 2 October, the Committee had before it a draft resolution entitled "Question of Western Sahara" (A/C.4/57/L.2), submitted by the Chairman.

15. At its 6th meeting, on 4 October, the Committee adopted draft resolution A/C.4/57/L.2 without a vote (see para. 25, draft resolution I).

16. After the adoption of the draft resolution, statements in explanation of position were made by the representatives of Saint Lucia, Denmark (on behalf of the States Members of the United Nations that are members of the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, as well as Iceland and Norway) and Morocco (see A/C.4/57/SR.6).

### **B. New Caledonia**

17. At its 6th meeting, on 4 October, the Committee adopted the draft resolution entitled "Question of New Caledonia", contained in document A/57/23 (Part III), chapter XIII, section D, without a vote (see para. 25, draft resolution II).

### **C. Tokelau**

18. At the 11th meeting, on 15 October, the representative of Saint Lucia, in his capacity as Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, introduced a revised draft resolution entitled "Question of Tokelau" (A/C.4/57/L.6), which he submitted on behalf of the Special Committee. In introducing the draft resolution, he further orally revised it by inserting the words "cooperation for" before the word "decolonization" in the last preambular paragraph.

19. At the same meeting, the Committee adopted draft resolution A/C.4/57/L.6, as orally revised, without a vote (see para. 25, draft resolution III).

**D. American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Turks and Caicos Islands and United States Virgin Islands**

20. At its 6th meeting, on 4 October, the Committee adopted the consolidated draft resolution entitled “Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands”, contained in document A/57/23 (Part III), chapter XIII, section F, without a vote (see para. 25, draft resolution IV).

21. At the same meeting, after the adoption of the draft resolution, statements in explanation of position were made by the representatives of the United Kingdom of Great Britain and Northern Ireland and Spain (see A/C.4/57/SR.6).

**E. Gibraltar**

22. At its 6th meeting, on 4 October, the Committee had before it a draft decision entitled “Question of Gibraltar” (A/C.4/57/L.4), submitted by its Chairman.

23. At the same meeting, the Committee adopted draft decision A/C.4/57/L.4 without a vote (see para. 26).

24. Also at the same meeting, after the adoption of the draft decision, statements in explanation of position were made by the representatives of Saint Lucia and Spain (see A/C.4/57/SR.6).

**III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)**

25. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

**Draft resolution I  
Question of Western Sahara**

*The General Assembly,*

*Having considered in depth the question of Western Sahara,*

*Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,*

*Recalling its resolution 56/69 of 10 December 2001,*

*Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra*

y de Rio de Oro to the proposals of the Secretary-General of the United Nations and the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

*Recalling further* all resolutions of the General Assembly and Security Council on the question of Western Sahara,

*Recalling* Security Council resolutions 658 (1990) of 27 June and 690 (1991) of 29 April 1991, by which the Council approved the settlement plan for Western Sahara,<sup>2</sup>

*Recalling also* Security Council resolution 1359 (2001) of 29 June 2001, as well as resolution 1429 (2002) of 30 July 2002, by which the Council stressed the need for reaching a political solution to the dispute,

*Reaffirming* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

*Noting with satisfaction* the entry into force of the ceasefire in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

*Noting also with satisfaction* the agreements<sup>3</sup> reached by the two parties during their private direct talks aimed at the implementation of the settlement plan and the acceptance by the two parties of the detailed modalities for the implementation of the Secretary-General's package of measures relating to the identification of voters and the appeals process, and stressing the importance it attaches to a full, fair and faithful implementation of the settlement plan and the agreements aimed at its implementation,

*Noting* that, despite the progress achieved, difficulties remain in the implementation of the settlement plan,

*Noting also* the fundamental differences between the parties in implementing the main provisions of the settlement plan,

*Stressing* that the lack of progress in the settlement of the dispute on Western Sahara continues to cause suffering to the people of Western Sahara, remains a source of potential instability in the region and obstructs the economic development of the Maghreb region and that, in view of this, the search for a political solution is critically needed,

*Welcoming* the efforts of the Secretary-General and his Personal Envoy in search of a mutually acceptable political solution which will provide for self-determination for the people of Western Sahara,

*Having examined* the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,<sup>4</sup>

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<sup>2</sup> See S/21360 and S/22464 and Corr.1.

<sup>3</sup> S/1997/742 and Add.1.

<sup>4</sup> A/57/23 (Part II), chap. IX. For the final text, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23*.

*Having also examined the report of the Secretary-General,*<sup>5</sup>

1. *Takes note* of the report of the Secretary-General;<sup>5</sup>
2. *Commends* the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provide for those efforts;
3. *Takes note* of the agreements<sup>3</sup> reached between the Kingdom of Morocco and the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro for the implementation of the settlement plan<sup>2</sup> during their private direct talks under the auspices of James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and in good faith;
4. *Urges* the two parties to implement faithfully and loyally the Secretary-General's package of measures relating to the identification of voters and the appeals process;
5. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;
6. *Reiterates its support* for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the African Union, of a referendum for self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council approved the settlement plan;
7. *Notes* the fundamental differences between the parties in implementing the main provisions of the settlement plan;
8. *Supports* the efforts undertaken by the Secretary-General and his Personal Envoy to reach a political solution to the dispute on Western Sahara which will provide for self-determination for the people of Western Sahara;
9. *Urges*, in this regard, the two parties to continue their cooperation with the Secretary-General and his Personal Envoy with a view to reaching a mutually acceptable political solution to this dispute;
10. *Takes note* of the relevant resolutions of the Security Council, including resolutions 1349 (2001) of 27 April 2001 and 1359 (2001) of 29 June 2001 as well as resolution 1429 (2002) of 30 July 2002;
11. *Calls upon* the parties to cooperate with the International Committee of the Red Cross in its efforts to solve the problem of the fate of people unaccounted for, and calls upon the parties to abide by their obligation under international humanitarian law to release without further delay all those held since the start of the conflict;
12. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the implementation of the settlement plan, and to report thereon to the General Assembly at its fifty-eighth session;

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<sup>5</sup> A/57/206.

13. *Invites* the Secretary-General to submit to the General Assembly at its fifty-eighth session a report on the implementation of the present resolution.

## **Draft resolution II**

### **Question of New Caledonia**

*The General Assembly,*

*Having considered* the question of New Caledonia,

*Having examined* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to New Caledonia,<sup>6</sup>

*Reaffirming* the right of peoples to self-determination as enshrined in the Charter of the United Nations,

*Recalling* its resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

*Noting* the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

*Noting also,* in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

*Noting with satisfaction* the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. *Welcomes* the significant developments that have taken place in New Caledonia, as exemplified by the signing of the Nouméa Accord of 5 May 1998 between the representatives of New Caledonia and the Government of France;<sup>7</sup>

2. *Urges* all parties involved, in the interest of all of the people of New Caledonia, to maintain, in the framework of the Nouméa Accord, their dialogue in a spirit of harmony;

3. *Notes* the relevant provisions of the Nouméa Accord aimed at taking more broadly into account the Kanak identity in the political and social organization of New Caledonia, and also those provisions of the Accord relating to control of immigration and protection of local employment;

4. *Also notes* the relevant provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, such as international organizations in the Pacific region, the United Nations, the United Nations Educational, Scientific and Cultural

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<sup>6</sup> A/57/23 (Part II), chap. IX. For the final text, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23*.

<sup>7</sup> A/AC.109/2114, annex.



Organization and the International Labour Organization, in accordance with their regulations;

5. *Further notes* the agreement between the signatories of the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

6. *Welcomes* the fact that the administering Power invited to New Caledonia, at the time the new institutions were established, a mission of information which comprised representatives of countries of the Pacific region;

7. *Calls upon* the administering Power to transmit information regarding the political, economic and social situation of New Caledonia to the Secretary-General;

8. *Invites* all parties involved to continue to promote a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter and the spirit of the Nouméa Accord, which is based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

9. *Welcomes* measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon and Nouméa Accords;

10. *Also welcomes* the importance attached by the parties to the Matignon and Nouméa Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

11. *Acknowledges* the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;

12. *Notes* the positive initiatives aimed at protecting the natural environment of New Caledonia, notably the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

13. *Acknowledges* the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the Pacific Islands Forum;

14. *Welcomes*, in this regard, the accession by New Caledonia to the status of observer in the Pacific Islands Forum, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the Pacific Islands Forum;

15. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

16. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its fifty-eighth session.

### **Draft resolution III**

#### **Question of Tokelau**

*The General Assembly,*

*Having considered* the question of Tokelau,

*Having examined* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Tokelau,<sup>8</sup>

*Recalling* the solemn declaration on the future status of Tokelau, delivered by the *Ulu-o-Tokelau* (the highest authority on Tokelau) on 30 July 1994, which states that an act of self-determination in Tokelau is now under active consideration, together with the constitution of a self-governing Tokelau, and that the present preference of Tokelau is for a status of free association with New Zealand,

*Recalling also* its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to Non-Self-Governing Territories, in particular General Assembly resolution 56/71 of 10 December 2001,

*Recalling further* the emphasis placed in the solemn declaration on the terms of Tokelau's special relationship with New Zealand, including the expectation that the form of help that Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established within the framework of that relationship,

*Noting with appreciation* the continuing exemplary cooperation of New Zealand as the administering Power with regard to the work of the Special Committee relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

*Noting also with appreciation* the collaborative contribution to the development of Tokelau by New Zealand and the specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme and the World Health Organization,

*Recalling* the dispatch in 1994 of a United Nations visiting mission to Tokelau,

*Welcoming* the dispatch in August 2002 of a United Nations Mission to Tokelau, at the invitation of the Government of New Zealand and the representatives of Tokelau,

*Having examined* the report of the United Nations Mission to Tokelau, 2002,<sup>9</sup>

*Noting* that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

*Noting also* that, as a case study pointing to successful cooperation for decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

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<sup>8</sup> A/57/23 (Part II and Add.1), chap. XI. For the final text, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23*.

<sup>9</sup> To be issued as A/57/23 (Part II)/Add.1/Rev.1, annex. For the final text, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23*.

1. *Notes* that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in principle VI of the annex to General Assembly resolution 1541 (XV) of 15 December 1960;
2. *Also notes* the desire of Tokelau to move at its own pace towards an act of self-determination;
3. *Further notes* the inauguration in 1999 of a national Government based on village elections by universal adult suffrage;
4. *Acknowledges* Tokelau's goal to return authority to its traditional leadership, and its wish to provide that leadership with the necessary support to carry out its functions in the contemporary world;
5. *Also acknowledges* the progress made towards that goal under the Modern House of Tokelau project, and Tokelau's view that that project, in its governance and economic development dimensions, is seen by its people as the means to achieving their act of self-determination;
6. *Further acknowledges* Tokelau's initiative in devising a strategic economic development plan for the period 2002-2004 to advance its capacity for self-government;
7. *Notes* that, consistent with the expressed desires of past traditional leaders and the principles of the Modern House of Tokelau, Tokelau has established a local public service employer which enabled the New Zealand State Services Commissioner to withdraw from his role as employer of the Tokelau Public Service as from 30 June 2001;
8. *Welcomes* the initiation of the dialogue with the administering Power and the Territory in June 2001 with a view to the development of a programme of work for Tokelau in accordance with General Assembly resolution 55/147 of 8 December 2000;
9. *Acknowledges* the continuing support which New Zealand has committed to the Modern House of Tokelau project in 2002/03, and the cooperation of the United Nations Development Programme in aligning its programmes under the project;
10. *Notes* that the Constitution of a self-governing Tokelau will continue to develop as a part and as a consequence of the building of the Modern House of Tokelau, and that both have national and international importance for Tokelau;
11. *Acknowledges* Tokelau's need for continued reassurance given the cultural adjustments that are taking place with the strengthening of its capacity for self-government and, given that local resources cannot adequately cover the material side of self-determination, the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;
12. *Notes* the special challenge inherent in the situation of Tokelau, among the smallest of the small Territories, and how a Territory's exercise of its inalienable right to self-determination may be brought closer, as in the case of Tokelau, by the meeting of that challenge in innovative ways;

13. *Acknowledges* the desire of the partners to reaffirm their commitment to each other, and the efforts being made in the context of the draft programme of work for Tokelau to identify the principles underpinning the relationship between New Zealand and Tokelau with a view to establishing a dynamic basis for its future development;

14. *Welcomes* the assurance of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

15. *Also welcomes* the cooperative attitude of the other States and Territories in the region towards Tokelau, its economic and political aspirations and its increasing participation in regional and international affairs;

16. *Further welcomes* Tokelau's associate membership in the United Nations Educational, Scientific and Cultural Organization and its recent accession to associate membership in the Forum Fisheries Agency;

17. *Approves* the report of the United Nations Mission to Tokelau, 2002;<sup>9</sup>

18. *Notes* that a study to review the options for Tokelau's future self-determination is recommended in the report, and also notes the willingness expressed by the United Nations Development Programme to assist in this regard upon request from Tokelau;

19. *Calls upon* New Zealand and Tokelau to consider developing an education programme to inform the population of Tokelau about the nature of self-determination, including the three options of integration, free association and independence, so that it may be better prepared to face a future decision on this matter, and requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to provide all available assistance in this regard;

20. *Calls upon* the administering Power and United Nations agencies to continue to provide assistance to Tokelau as it further develops its economy and governance structures in the context of its ongoing constitutional evolution;

21. *Requests* the Special Committee to continue to examine the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its fifty-eighth session.

#### **Draft resolution IV**

### **Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands**

#### **A**

##### **General**

*The General Assembly,*

*Having considered* the questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman

Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter referred to as “the Territories”,

*Having examined* the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,<sup>10</sup>

*Recalling* its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its fifty-sixth session on the individual Territories covered by the present resolution,

*Recognizing* that the specific characteristics and the sentiments of the peoples of the Territories require flexible, practical and innovative approaches to the options of self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

*Recalling* its resolution 1541 (XV) of 15 December 1960, containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 *e* of the Charter of the United Nations,

*Expressing its concern* that, more than forty years after the adoption of the Declaration, there still remain a number of Non-Self-Governing Territories,

*Acknowledging* the significant achievements by the international community towards the eradication of colonialism in accordance with the Declaration, and conscious of the importance of continuing effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by 2010 and the plan of action for the Second International Decade for the Eradication of Colonialism,<sup>11</sup>

*Noting* the positive constitutional developments in some Non-Self-Governing Territories about which the General Assembly has received information, while also acknowledging the need for recognition to be given to expressions of self-determination by the peoples of the Territories consistent with practice under the Charter,

*Recognizing* that in the decolonization process there is no alternative to the principle of self-determination as enunciated by the General Assembly in its resolutions 1514 (XV), 1541 (XV) and other resolutions,

*Welcoming* the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland that it continues to take seriously its obligations under the Charter to develop self-government in the dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continue to meet the wishes of the people, and the emphasis that it is ultimately for the peoples of the Territories to decide their future status,

*Welcoming also* the stated position of the Government of the United States of America that it supports fully the principles of decolonization and takes seriously its

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<sup>10</sup> A/57/23 (Part II), chap. X. For the final text, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23*.

<sup>11</sup> A/56/61, annex.

obligations under the Charter to promote to the utmost the well-being of the inhabitants of the Territories under United States administration,

*Aware* of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

*Conscious* of the particular vulnerability of the Territories to natural disasters and environmental degradation and, in this connection, bearing in mind the programmes of action of the United Nations Conference on Environment and Development,<sup>12</sup> the World Conference on Natural Disaster Reduction,<sup>13</sup> the Global Conference on the Sustainable Development of Small Island Developing States,<sup>14</sup> the International Conference on Population and Development,<sup>15</sup> the United Nations Conference on Human Settlements<sup>16</sup> and other relevant world conferences,

*Aware* of the usefulness both to the Territories and to the Special Committee of the participation of appointed and elected representatives of the Territories in the work of the Special Committee,

*Convinced* that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

*Convinced also* that any negotiations to determine the status of a Territory must not take place without the active involvement and participation of the people of that Territory, and that the views of the peoples of the Non-Self-Governing Territories in respect of their right to self-determination should be ascertained under the supervision of the United Nations, on a case-by-case basis,

*Recognizing* that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in resolutions 1514 (XV), 1541 (XV) and other resolutions of the General Assembly,

*Mindful* that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, and considering that the possibility of sending further visiting missions to the Territories at an appropriate time and in consultation with the administering Powers should be kept under review,

*Mindful also* that, by holding a Pacific regional seminar at Nadi, Fiji, from 14 to 16 May 2002, the Special Committee was able to hear the views of the representatives of the Territories, as well as Governments and organizations in the

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<sup>12</sup> See *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*.

<sup>13</sup> See A/CONF.172/9, chap. I.

<sup>14</sup> See *Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 25 April-6 May 1994* (United Nations publication, Sales No. E.94.I.18 and corrigenda), chap. I.

<sup>15</sup> *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

<sup>16</sup> *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annex II.

region, in order to review the political, economic and social conditions in the Territories,

*Mindful further* that, in order for it to enhance its understanding of the political status of the peoples of the Territories and to fulfil its mandate effectively, it is important for the Special Committee to be apprised by the administering Powers and to receive information from other appropriate sources, including the representatives of the Territories, concerning the wishes and aspirations of the peoples of the Territories,

*Recognizing* the need for the Special Committee to embark actively on a public awareness campaign aimed at assisting the peoples of the Territories in gaining an understanding of the options of self-determination,

*Mindful* in this connection that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters and other venues, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate, and that the regional nature of the seminars, alternating between the Caribbean and Pacific, is a crucial element in their success, while recognizing the need for reviewing the role of those seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

*Mindful also* that some Territories have not received a United Nations visiting mission for a long period of time and that no visiting missions have been sent to some of the Territories,

*Noting with appreciation* the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, and regional institutions such as the Caribbean Development Bank, the Caribbean Community, the Organization of Eastern Caribbean States, the Pacific Islands Forum and the agencies of the Council of Regional Organizations in the Pacific,

*Noting* that some territorial Governments have made efforts towards achieving the highest standards of financial supervision and noting also that some territorial Governments have expressed concern about insufficient dialogue between them and the Organisation for Economic Cooperation and Development on that matter,

*Concerned* that in 2001 economic growth slowed in many Non-Self-Governing Territories, in particular in the tourism and construction sectors,

*Recalling* the ongoing efforts of the Special Committee in carrying out a critical review of its work with the aim of making appropriate and constructive recommendations and decisions to attain its objectives in accordance with its mandate,

1. *Reaffirms* the inalienable right of the peoples of the Territories to self-determination, including, if they so wish, independence, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Reaffirms also* that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the

relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in General Assembly resolution 1541 (XV);

3. *Reaffirms further* that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right;

4. *Requests* the administering Powers to transmit to the Secretary-General information called for under Article 73 *e* of the Charter and other updated information and reports, including reports on the wishes and aspirations of the peoples of the Territories regarding their future political status as expressed in fair and free referendums and other forms of popular consultation, as well as the results of any informed and democratic processes consistent with practice under the Charter that indicate the clear and freely expressed wish of the people to change the existing status of the Territories;

5. *Stresses* the importance for it to be apprised of the views and wishes of the peoples of the Territories and to enhance its understanding of their conditions;

6. *Reaffirms* that United Nations visiting missions to the Territories at an appropriate time and in consultation with the administering Powers are an effective means of ascertaining the situation in the Territories, and requests the administering Powers and the elected representatives of the peoples of the Territories to assist the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in this regard;

7. *Reaffirms also* the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

8. *Requests* the administering Powers, in consultation with the peoples of the Territories, to take all necessary measures to protect and conserve the environment of the Territories under their administration against any environmental degradation, and requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

9. *Calls upon* the administering Powers, in cooperation with the respective territorial Governments, to continue to take all necessary measures to counter problems related to drug trafficking, money-laundering and other offences;

10. *Notes* the cooperative efforts of some Non-Self-Governing Territories to address the problem of illegal drugs, with a focus on demand reduction, education, treatment and legal issues;

11. *Notes with concern* that the plan of action for the first International Decade for the Eradication of Colonialism<sup>17</sup> was not fully implemented by 2000,

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<sup>17</sup> See A/46/634/Rev.1, annex.



and stresses the importance of implementing the plan of action for the Second Decade,<sup>11</sup> in particular through the development of work programmes for the decolonization of each Non-Self-Governing Territory, on a case-by-case basis, including periodic analyses of each Territory and the review of the impact of the economic and social situation on the constitutional and political advancement of the Territories;

12. *Calls upon* the administering Powers to enter into constructive dialogue with the Special Committee before the fifty-eighth session of the General Assembly to develop a framework for the implementation of provisions of Article 73 *e* of the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples for the period 2001-2010;

13. *Notes* the particular circumstances that prevail in the Territories concerned, and encourages the political evolution in them towards self-determination;

14. *Urges* Member States to contribute to the efforts of the United Nations to usher in a world free of colonialism during the twenty-first century, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

15. *Invites* the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the economic and social life of the Territories, and calls for closer cooperation between the Special Committee and the Economic and Social Council in furtherance of the provision of assistance to the Territories;

16. *Notes* that some Non-Self-Governing Territories have expressed concern at the procedure followed by one administering Power, contrary to the wishes of the Territories themselves, namely, amending or enacting legislation for the Territories through Orders in Council, while recognizing that such Orders in Council were necessary for the administering Power to fulfil its international treaty obligations;

17. *Takes note* of statements made by the elected representatives of the Territories concerned emphasizing their willingness to cooperate with all international efforts aimed at preventing abuse of the international financial system and to promote regulatory environments with highly selective licensing procedures, robust supervisory practices and well-established anti-money-laundering regimes;

18. *Calls* for an enhanced and constructive dialogue between the Organisation for Economic Cooperation and Development and the territorial Governments concerned, with a view to achieving the highest standards of financial supervision, and requests the administering Powers to assist those Territories in this matter;

19. *Requests* the Secretary-General to report to the General Assembly on the implementation of decolonization resolutions since the declaration of the International Decade for the Eradication of Colonialism;

20. *Requests* the Special Committee to continue to examine the question of the small Territories and to report thereon to the General Assembly at its fifty-eighth session with recommendations on appropriate ways to assist the peoples of the Territories in exercising their right to self-determination.

**B**  
**Individual Territories**

*The General Assembly,*

*Referring to resolution A above,*

**I. American Samoa**

*Taking note* of the report by the administering Power that most American Samoan leaders express satisfaction with the Territory's present relationship with the United States of America,

*Noting* that the leaders of American Samoa, including the Governor and Lieutenant Governor, are freely and fairly elected by the people, and that the general elections held in the Territory in 2000 resulted in the re-election of the incumbent Governor and Lieutenant Governor,

*Taking note with interest* of the statement made on the political status of American Samoa by the Lieutenant Governor of American Samoa at the Pacific regional seminar, held at Nadi, Fiji, from 14 to 16 May 2002,<sup>18</sup>

*Noting* that the Government of the Territory continues to have financial, budgetary and internal control problems, but that it has recently taken steps to increase revenues and decrease government expenditures,

*Noting also* that the Territory, similar to isolated communities with limited funds, continues to experience a lack of adequate medical and other infrastructural facilities,

*Aware* of the efforts of the Government of the Territory to control and reduce expenditures, while continuing its programme of expanding and diversifying the local economy,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Notes* that the United States Department of the Interior provides that the Secretary of the Interior has administrative jurisdiction over American Samoa;

3. *Takes note with interest* of the statement delivered by the Territory's delegate to the United States Congress at the Caribbean regional seminar, held at Havana from 23 to 25 May 2001,<sup>19</sup> in which he indicated that he was not aware that the administering Power had selected American Samoa to be reviewed under the case-by-case informal method adopted by the Special Committee and the administering Power;

4. *Calls upon* the administering Power to continue to assist the territorial Government in the economic and social development of the Territory, including

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<sup>18</sup> See A/57/23 (Part I), chap. II, annex, para. 31. For the final text, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23*.

<sup>19</sup> See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 23 (A/56/23)*, chap. II, annex, para. 31.

measures to rebuild financial management capabilities and strengthen other governmental functions of the Government of the Territory;

5. *Welcomes* the invitation extended to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the Governor of American Samoa to send a visiting mission to the Territory;

## **II. Anguilla**

*Conscious* of the commitment of both the Government of Anguilla and the administering Power to a new and closer policy of dialogue and partnership through the Strategic Country Programme 2000-2003,

*Aware* of the efforts of the Government of Anguilla to continue to develop the Territory as a viable offshore centre and well-regulated financial centre for investors, by enacting modern company and trust laws, as well as partnership and insurance legislation, and computerizing the company registry system,

*Noting* the need for continued cooperation between the administering Power and the territorial Government in tackling the problems of drug trafficking and money-laundering,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Calls upon* the administering Power and all States, organizations and United Nations agencies to continue to assist the Territory in social and economic development;

3. *Welcomes* the Country Cooperation Framework of the United Nations Development Programme for the period 1997-1999 and its extension currently being implemented following consultations with the territorial Government and key development partners in the United Nations system and the donor community, and also welcomes the inclusion of the Territory by the United Nations Development Programme in its 2001-2003 subregional cooperation framework for the countries of the Organization of Eastern Caribbean States and Barbados;

4. *Takes note* of the assessment by the Caribbean Development Bank, in its 2000 report on the Territory, that growth slowed to 1 per cent in 2000 from 7.5 per cent in 1999 as a result of damage caused by hurricane "Lenny"; that tourism, the largest contributor to the gross domestic product, declined following the closure of several hotels, with the resultant negative impact on employment; that the cessation of aluminium trans-shipment to Europe eroded government revenue; and that medium-term growth prospects remained favourable given the expected recovery in the tourism sector;

5. *Notes* that the Caribbean Development Bank, in its study entitled "International and regional economic background in 2001 and prospects", noted that the Territory experienced improved performance in 2001, when a 2 per cent rate of expansion represented a recovery from the contraction in 2000 caused by hurricane damage;

6. *Welcomes* the signing of a memorandum of understanding between the Caribbean Development Bank and the United Kingdom of Great Britain and Northern Ireland to conduct a country poverty assessment for the Territory;

7. *Welcomes* the establishment of the constitutional reform process, which puts emphasis on public information and education and is expected to create a participatory environment in which changes to the Constitution effective in the Territory can be formulated and recommended to the administering Power, pursuant to the recommendations as stated in its White Paper entitled “Partnership for Progress and Prosperity: Britain and the Overseas Territories”;<sup>20</sup>

8. *Welcomes* the convening in the Territory in June 2002 of the thirty-fifth meeting of the Authority of the Organization of Eastern Caribbean States, in which the Territory enjoys associate membership;

### **III. Bermuda**

*Noting* the results of the independence referendum held on 16 August 1995, and conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

*Noting also* the discussions between the Territory and the administering Power on internal constitutional changes,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Calls upon* the administering Power to continue to work with the Territory for its socio-economic development;

3. *Welcomes* the agreement reached in June 2002 between the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Territory formally transferring the former military base lands to the territorial Government, and the provision of financial resources to address some of the environmental problems;

4. *Also welcomes* the accession of the Territory to associate membership in the Caribbean Community;

### **IV. British Virgin Islands**

*Noting* the last constitutional review in the Territory, conducted by the administering Power in 1993-1994, the coming into force of the amended Constitution, and the appointment by the territorial Government of a committee to assess the implications of independence for the implementation of a recommendation of the 1993 review,

*Noting also* the results of the constitutional review of 1993-1994, which made it clear that a prerequisite to independence must be a constitutionally expressed wish by the people as a result of a referendum,

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<sup>20</sup> A/AC.109/1999/1 and Corr.1, annex.

*Taking note* of the motion adopted by the Legislative Council in March 2002, requesting the administering Power to appoint a commission to review the constitution with the aim of modernizing it, paying specific attention to the creation of a sixth ministerial post, the standing of the Territory's "belonger" status and the devolution of power from the representative of the administering Power to the elected Government,

*Noting* that the Territory continues to emerge as one of the world's leading offshore financial centres, and that the financial services sector is becoming the cornerstone of the Government's recurrent budget, accounting for over 50 per cent of government revenue, and also noting the establishment of the Financial Services Commission,

*Noting also* the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money-laundering, and further noting that the Territory hosted a meeting of the British Overseas Territories' Drug Prevention Conference in January 2002,

*Noting further* that the Territory commemorated its annual British Virgin Islands-United States Virgin Islands Friendship Day on 11 May 2002 in official ceremonies held in Tortola,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Requests* the administering Power, the specialized agencies and other organizations of the United Nations system and all financial institutions to continue to provide the Territory with assistance for socio-economic development and the development of human resources, bearing in mind the vulnerability of the Territory to external factors;

3. *Takes note* of the adoption by the Legislative Council of the Territory of the Corporal Punishment Abolition Act 2000, which brought to an end the exercise of such a power by the court or other authority;

4. *Welcomes* the completion of the airport terminal facility, which was the largest capital project of the Government;

5. *Also welcomes* the convening in the Territory in 2001 of a summit of elected leaders of Caribbean Territories, which addressed issues of constitution and governance, immigration and nationality, human rights, social development, civil aviation and safety, and environmental issues;

## **V. Cayman Islands**

*Noting* the formation for the first time of a political party in the Territory and the subsequent change of government in November 2001,

*Aware* that the Territory has one of the highest per capita incomes in the region, a stable political climate and virtually no unemployment,

*Noting* the actions taken by the territorial Government to implement its localization programme to promote increased participation by the local population in the decision-making process in the Cayman Islands,

*Noting with concern* the vulnerability of the Territory to drug trafficking, money-laundering and related activities, and the measures taken by the authorities to deal with those problems,

*Noting also* that the Territory has emerged as one of the world's leading offshore financial centres,

*Noting further* the approval by the Cayman Islands Legislative Assembly of the Territory's Vision 2008 Development Plan, which aims to promote development that is consistent with the aims and values of Caymanian society,

*Welcoming* the convening in the Territory in September 2001 of the Human Rights Today Caribbean Symposium,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Takes note* of the adoption by the Legislative Assembly in 2001 of a referendum law, which confirmed that only a referendum makes it possible for the electorate to give a clear judgement on a single issue of immediate relevance and that the Constitution of the Cayman Islands can be amended only through a referendum;

3. *Requests* the administering Power, the specialized agencies and other organizations of the United Nations system to continue to provide the territorial Government with all required expertise to enable it to achieve its socio-economic aims;

4. *Also requests* the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme of securing employment for the local population, in particular at the decision-making level;

5. *Welcomes* the implementation of the Country Cooperation Framework of the United Nations Development Programme for the Territory, which is designed to ascertain national development priorities and United Nations assistance needs;

6. *Notes* the negative impact on the economy of the Territory of the slowdown in economic performance in the world, as well as the determination of the new Government to modernize the economic structure and intensify the implementation of its financial management initiative;

7. *Welcomes* the accession of the Territory to associate membership in the Caribbean Community;

8. *Also welcomes* the completion of the report of the Constitutional Review Commission, which conducted an extensive review of the current constitution, and the recommended changes, following public discussions with community groups and individuals, pursuant to the recommendations of the administering Power as stated in its White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories";<sup>20</sup>

## VI. Guam

*Recalling* that, in a referendum held in 1987, the registered and eligible voters of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for a greater measure of internal self-government for Guam and recognition of the right of the Chamorro people of Guam to self-determination for the Territory,

*Recalling also* its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to the Non-Self-Governing Territories, in particular, General Assembly resolutions 56/76 A and B of 10 December 2001,

*Recalling further* the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee is concerned, pending the self-determination of the Chamorro people and taking into account their legitimate rights and interests,

*Aware* that negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act are no longer continuing and that Guam has established the process for a self-determination vote by the eligible Chamorro voters,

*Cognizant* that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

*Noting* that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

*Conscious* that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

*Aware* of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

*Noting* the proposed closing and realigning of four United States Navy installations on Guam and the request for the establishment of a transition period to develop some of the closed facilities as commercial enterprises,

*Recalling* the dispatch in 1979 of a United Nations visiting mission to the Territory, and noting the recommendation of the 1996 Pacific regional seminar for sending a visiting mission to Guam,<sup>21</sup>

*Taking note with interest* of the statements made and the information on the political and economic situation in Guam provided by the representatives of the Territory to the Pacific regional seminar, held at Nadi, Fiji, from 14 to 16 May 2002,<sup>22</sup>

<sup>21</sup> See A/AC.109/2058, para. 33 (20).

<sup>22</sup> See A/57/23 (Part I), chap. II, annex, para. 30. For the final text, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23*.

*Concerned* that the latest census figures in the Territory show that the percentage of persons living in poverty increased from 14 per cent in 1990 to 23 per cent in 2000,

1. *Requests* the administering Power to work with Guam's Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination with a view to facilitating Guam's decolonization and to keep the Secretary-General informed of the progress to that end;

2. *Calls upon* the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the plebiscite of 1987 and as provided for in Guam law, encourages the administering Power and the territorial Government of Guam to enter into negotiations on the matter, and requests the administering Power to inform the Secretary-General of progress to that end;

3. *Requests* the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

4. *Also requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory;

5. *Further requests* the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the question of immigration;

6. *Requests* the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises, noting the special role of the Chamorro people in the development of Guam;

7. *Also requests* the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agricultural and other viable activities;

## **VII. Montserrat**

*Noting* that elections to the Legislative Council were held in the Territory in 2001, resulting in the assumption of office by the New People's Liberation Movement,

*Taking note with interest* of the statements made and the information on the political and economic situation in Montserrat provided by the elected representative of the Territory to the Caribbean regional seminar, held at Havana from 23 to 25 May 2001,<sup>23</sup>

*Noting* that the last visiting mission to the Territory was dispatched in 1982,

*Noting with concern* the dire consequences of a volcanic eruption, which led to the evacuation of three quarters of the Territory's population to safe areas of the island and to areas outside the Territory, in particular Antigua and Barbuda and the

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<sup>23</sup> See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 23 (A/56/23)*, chap. II, annex, para. 34.



United Kingdom of Great Britain and Northern Ireland, and which continues to have a negative impact upon the economy of the island,

*Welcoming* the continued assistance provided to the Territory by States members of the Caribbean Community, in particular Antigua and Barbuda, which has offered safe refuge and access to educational and health facilities, as well as employment for thousands who have left the Territory,

*Noting* the efforts of the administering Power and the Government of the Territory to meet the emergency situation caused by the volcanic eruption, including the implementation of a wide range of contingency measures for both the private and the public sectors in Montserrat,

*Noting also* the coordinated response measures taken by the United Nations Development Programme and the assistance of the United Nations disaster management team,

*Noting with concern* that a number of the inhabitants of the Territory continue to live in shelters because of volcanic activity,

*Welcoming* the inclusion of the Territory by the United Nations Development Programme in its 2001-2003 subregional cooperation framework for the countries of the Organization of Eastern Caribbean States and Barbados,

*Noting* the establishment in 2001 of the Montserrat Financial Services Commission, which is responsible for the licensing and supervision of all financial services, with the exception of domestic banks,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system as well as regional and other organizations to continue to provide urgent emergency assistance to the Territory in alleviating the consequences of the volcanic eruption;

3. *Welcomes* the support of the Caribbean Community in the construction of housing in the safe zone to alleviate a shortage caused by the environmental and human crisis of the eruption of the Montsoufriere volcano, as well as the material and financial support from the international community to help alleviate the suffering caused by the crisis;

4. *Also welcomes* the Chief Minister's 2002 budget presentation, in which he noted that in 2001, for the first time in seven years, the economy of Montserrat experienced positive growth, from a negative rate of 5.43 per cent in 2000 to 0.4 per cent in 2001, the implementation of several major public works projects accounting for growth in the construction sector;

5. *Takes note* of the statement of the Chief Minister that his Government would explore the possibilities of securing additional finance from sources other than the Government of the United Kingdom of Great Britain and Northern Ireland, and that the main sources under consideration were the Caribbean Development Bank and the European Investment Bank;

6. *Welcomes* the establishment of the Constitutional Review Commission, which will embark on a public education programme on the Constitution, ascertain the views of the population and make recommendations to the administering Power on changes which may be envisaged, pursuant to the recommendations as stated in its White Paper entitled “Partnership for Progress and Prosperity: Britain and the Overseas Territories”,<sup>20</sup>

### **VIII. Pitcairn**

*Taking into account* the unique nature of Pitcairn in terms of population and area,

*Welcoming* the participation of an expert from Pitcairn for the first time in the Pacific regional seminar, held at Nadi, Fiji, from 14 to 16 May 2002,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

3. *Calls upon* the administering Power to continue its discussions with the representatives of Pitcairn on how best to support their economic security;

### **IX. St. Helena**

*Taking into account* the unique character of St. Helena, its population and its natural resources,

*Noting* that a Commission of Inquiry into the Constitution appointed at the request of the Legislative Council of St. Helena reported its recommendations in March 1999, and that the Legislative Councillors are currently considering its recommendations,

*Aware* of the establishment by the territorial Government of the Development Agency in 1995 to encourage private sector commercial development on the island,

*Also aware* of the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of St. Helena, in particular in the sphere of food production, continuing high unemployment and limited transport and communications, and calls for continuing negotiations to allow access to Ascension Island by civilian charter flights,

*Noting with concern* the problem of unemployment on the island and the joint action of the administering Power and the territorial Government to deal with it,

1. *Welcomes* the commitment of the administering Power to consider carefully suggestions for specific proposals for constitutional change made by territorial Governments, as stated in its White Paper entitled “Partnership for Progress and Prosperity: Britain and the Overseas Territories”,<sup>20</sup>

2. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the

Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

3. *Requests* the administering Power and relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development challenges, including the high unemployment and the limited transport and communications problems;

## **X. Turks and Caicos Islands**

*Noting* that the People's Democratic Movement was elected to power in the Legislative Council elections held in March 1999,

*Also noting* the efforts by the Government of the Territory to strengthen financial management in the public sector, including efforts to increase revenue,

*Noting with concern* the vulnerability of the Territory to drug trafficking and related activities, as well as its problems caused by illegal immigration,

*Noting* the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money-laundering,

*Welcoming* the assessment by the Caribbean Development Bank in its 2000 report that the economic performance of the Territory remained strong, with an increase in gross domestic product estimated at 8 per cent, reflecting strong growth in the tourism and construction sectors,

*Welcoming* the convening in the Territory in January 2002 of the fourteenth meeting of the Bureau of the Caribbean Community, a regional organization in which the Territory enjoys associate membership,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Invites* the administering Power to take fully into account the wishes and interests of the Government and the people of the Turks and Caicos Islands in the governance of the Territory;

3. *Welcomes* the establishment of the Constitutional Review Commission, which will embark on a public education programme on the Constitution, ascertain the views of the population and make recommendations to the administering Power on changes which may be envisaged, pursuant to the recommendations as stated in its White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories";<sup>20</sup>

4. *Calls upon* the administering Power and the relevant regional and international organizations to continue to provide assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

5. *Also calls upon* the administering Power and the territorial Government to continue to cooperate to counter problems related to money-laundering, smuggling of funds and other related crimes, as well as drug trafficking;

6. *Welcomes* the first Country Cooperation Framework approved by the United Nations Development Programme for the period 1998-2002, which should, inter alia, assist in the development of a national integrated development plan that will put in place procedures for determining the national development priorities over ten years, the focus of attention being on health, population, education, tourism and economic and social development;

#### **XI. United States Virgin Islands**

*Taking note with interest* of the statements made and the information provided by the representative of the Governor of the Territory to the Pacific regional seminar, held at Nadi, Fiji, from 14 to 16 May 2002,<sup>24</sup>

*Noting* the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community and the current request by the Territory to the administering Power for the delegation of authority to proceed,

*Noting also* the necessity of further diversifying the economy of the Territory,

*Noting further* the efforts of the Government of the Territory to promote the Territory as an offshore financial services centre,

*Recalling* the dispatch in 1977 of a United Nations visiting mission to the Territory,

*Noting* that the Territory commemorated its annual British Virgin Islands-United States Virgin Islands Friendship Day on 11 May 2002 in official ceremonies on St. Thomas,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Also requests* the administering Power to continue to assist the territorial Government in achieving its political, economic and social goals;

3. *Further requests* the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States, the Caribbean Community and the Association of Caribbean States;

4. *Notes with satisfaction* that continuing measures being taken by the elected territorial Government have eased the fiscal crisis, and calls upon the administering Power to continue to provide every assistance required by the Territory to further alleviate the difficult economic situation, including, inter alia, the provision of debt relief and loans;

5. *Notes with interest* the entering into force in 2001 of the joint memorandum of cooperation on the exchange of artefacts between the Territory and Denmark, the Territory's former administering Power, as a companion agreement to the 1999 memorandum for the repatriation of archival material from the Danish

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<sup>24</sup> A/57/23 (Part I), chap. II, annex, para. 38. For the final text, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23*.

colonial period, consistent with the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,<sup>25</sup> and requests the United Nations Educational, Scientific and Cultural Organization, under its records and archives management programme, to assist the Territory in carrying out its archival and artefacts initiative;

6. *Notes* the position of the territorial Government opposing the assumption by the administering Power of submerged land in territorial waters, having regard to relevant resolutions of the General Assembly on the ownership and control of natural resources, including marine resources, by the people of the Non-Self-Governing Territories, and its calls for the return of those marine resources to the people of the Territory;

7. *Notes with concern* that the last census figures for the Territory indicate that 32.5 per cent of the population is living in poverty, and that 47 per cent of children on St. Croix and 33 per cent of children on St. Thomas live in poverty.

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26. The Special Political and Decolonization Committee (Fourth Committee) also recommends to the General Assembly the adoption of the following draft decision:

### **Question of Gibraltar**

The General Assembly, recalling its decision 56/421 of 10 December 2001, and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on 27 November 1984<sup>26</sup> stipulates, *inter alia*, the following:

“The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution”,

takes note of the fact that, as part of this process, the Ministers for Foreign Affairs of Spain and the United Kingdom of Great Britain and Northern Ireland hold annual meetings alternately in each country, the most recent of which were held at Barcelona on 20 November 2001 and in London on 4 February 2002, and urges both Governments to continue their negotiations with the object of reaching a definitive solution to the problem of Gibraltar in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations.

<sup>25</sup> See A/CONF.189/12, chap. I.

<sup>26</sup> A/39/732, annex.