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Summary record of the 3rd meeting

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Chair: Mr. Bhattarai (Nepal)

Contents

Agenda item 55: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*)**

Agenda item 56: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*)**

Agenda item 57: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*)**

Agenda item 58: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*)**

Agenda item 59: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)**

Agenda item 59: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of representatives of Non-Self-Governing Territories and petitioners

* Second reissue for technical reasons (24 March 2015).

** Items which the Committee has decided to consider together.

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The meeting was called to order at 3.05 p.m.

Agenda item 55: Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations *(continued)*

(A/69/23 (chaps. VII and XIII) and A/69/69)

Agenda item 56: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories *(continued)* (A/69/23 (chaps. V and XIII))

Agenda item 57: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations *(continued)* (A/69/23 (chaps. VI and XIII) and A/69/66)

Agenda item 58: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories *(continued)* (A/69/67)

Agenda item 59: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples *(Territories not covered under other agenda items)* *(continued)* (A/69/23 (chaps. VIII, IX, X, XI and XIII) and A/69/189)

1. **Mr. Gutiérrez Blanco Navarrete** (Spain) recalled his country's long-standing position that the principle of territorial integrity applied to the question of Gibraltar, as the General Assembly had made clear in its relevant resolutions. Attempts to perpetuate cases of "colonialism by consent" like the one in Gibraltar, in disregard of United Nations principles, were unacceptable, as they aimed to maintain the situation at the expense of the legitimate rights of another State and of the original inhabitants of the colony. In full compliance with United Nations doctrine, Spain had always maintained that the different situations must be addressed on a case-by-case basis. As the case of Gibraltar was different from that of most Non-Self-Governing Territories, so too were the solutions applicable to it. In strict accordance with international law, the 1713 Treaty of Utrecht was unquestionably still in force; as the United Kingdom had repeatedly admitted, that Treaty made Gibraltar's independence unviable without Spain's consent. The local Spanish population of Gibraltar had been forced to leave the territory in 1704, when the British occupation had begun. Under the Treaty, Spain had ceded to the British only the town and castle of Gibraltar, together with the

port (with its internal waters only), fortifications and forts belonging thereto. Spain had never ceded territorial waters or the isthmus, which was illegally occupied by the United Kingdom.

2. On the basis of historical and legal arguments pertaining to territorial integrity and the doctrine established by the United Nations and reiterated systematically by the Special Committee on decolonization, he said that the only solution was the restitution of both the territory transferred from Spain under the Treaty of Utrecht and the land later occupied illegally by the United Kingdom. The principle of self-determination valid for most colonized Territories did not apply in the case of Gibraltar because that was a right bestowed only on the original colonized inhabitants, not on subsequently imposed settlers. The United Nations had called for a solution to be negotiated bilaterally between Spain and the United Kingdom in the framework of the 1984 Brussels Agreement signed by both States. The interests of the people of Gibraltar must be taken into account, but in the negotiations with Spain, the United Kingdom was responsible for those interests as the administering Power.

3. Tension between Spain and the colony had worsened since March 2012, when the authorities of Gibraltar had terminated the informal 1999 agreement with Spanish fishermen's associations. In the summer of 2013, some 70 concrete blocks had been sunk in waters Spain considered its own and work had continued to reclaim land in those waters as part of the policy to expand the Territory. Furthermore, statistics showed that the Gibraltar authorities paid only lip service to helping combat all forms of illicit trafficking, particularly with regard to the increase in cigarette smuggling and associated money-laundering. Spain had consequently been forced to intensify its surveillance of the waters and its mandatory inspections at the fence, which did not violate European Union legislation, as corroborated in a report by the European Commission. The European Anti-Fraud Office had indicated, in a 2014 report, that it had found evidence that crimes of smuggling and money-laundering had been committed, affecting the financial and other interests of the European Union.

4. Spain would continue to support the decolonization process through peaceful and legitimate means and was willing to maintain good relations with the United Kingdom, based on dialogue and regional cooperation, in the interests of the social well-being

and economic development of the inhabitants of both Gibraltar and the Campo de Gibraltar. The Trilateral Forum for Dialogue, which had become simply a tool for advancing Gibraltar's claim to sovereignty, had ceased to exist. For there to be a political solution, the United Kingdom, a friend and ally which had for too long contravened General Assembly resolutions, should restart the bilateral dialogue on issues of sovereignty, considering the particularities of the case.

5. **Mr. Aisi** (Papua New Guinea), speaking also on behalf of the Melanesian Spearhead Group (MSG) countries Fiji, the Solomon Islands and Vanuatu, regretted that, even as the international community was witnessing an evolving development paradigm to be underpinned by global partnerships supporting national ownership of sustainable development, close to 2 million people worldwide — more than a third of them in the Asia-Pacific region — remained under the yoke of colonialism in one form or another. Given their collective responsibility under the Charter of the United Nations, Member States could not afford or continue to leave that group behind; the future that colonized peoples wanted would otherwise remain an unfulfilled dream. As long-standing members of the Committee, Fiji and Papua New Guinea expressed concern that progress during the Third International Decade for the Eradication of Colonialism had been haltingly slow. A more pragmatic approach had to be taken to hastening emancipation and, in line with the Secretary-General's call earlier in 2014, good intentions would have to be translated into credible action.

6. The international community should continue to support endeavours to ensure a successful decolonization process in New Caledonia, in the spirit and letter of the Noumea Accord. The Group further called for the implementation of the recommendations and conclusions of the report of the United Nations visiting mission to New Caledonia (A/AC.109/2014/20/Rev.1). The welcome presence of many representatives of New Caledonia at the current meeting of the Fourth Committee and the constructive and frank dialogue both during the visiting mission and currently augured well for an inclusive self-determination process. While the focus of the new Territorial Government on social and economic reforms was noted, officials must be mindful of their moral responsibilities to the people and use their mandate wisely for the common good and future of all New Caledonians. It was hoped that the high-level authorities of the administering Power who

had subsequently visited New Caledonia would address the areas of concern identified by the United Nations mission in a just manner so as to pave the way for a representative and fair outcome of future electoral processes regarding self-determination. The major and genuine concern of many New Caledonians over the complexities of the electoral system was a fundamental issue that all stakeholders must jointly address in keeping with the Noumea Accord and in a fair, restrained and transparent manner in order to ensure the Territory's peaceful future. Close monitoring was required during the critical period between 2014 and 2018, during which a referendum or referenda would be held on self-determination; and the registration process for the restricted electoral list — a crucial area of contention — must be properly conducted.

7. Despite the continued constructive cooperation and engagement of the French Government and its progressive efforts to rebalance development and to transfer powers, more should be done to ensure the timely transfer of agreed powers and adequate capacity-building. Additionally, the administering Power could further improve the requisite reporting by providing more disaggregated information on both positive developments and challenges in New Caledonia and, in particular, on Kanaks receiving technical and specialized training. Furthermore, the migration of other citizens into New Caledonia, which had direct implications on the self-determination process, must be managed in an appropriate and controlled manner to ensure that Kanaks were not undermined.

8. The Melanesian Spearhead Group renewed its promise of support and technical assistance for the FLNKS and the Kanak people as they pursued full emancipation under the Noumea Accord. The United Nations, moreover, through its regional agencies and working with all New Caledonians, should provide needed assistance to the Territory, especially in the area of training.

Agenda item 59: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (continued)

Hearing of representatives of Non-Self-Governing Territories and petitioners

9. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing

Territories would be invited to address the Committee and petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

Question of Gibraltar (A/C.4/69/3)

10. **Mr. Picardo** (Chief Minister of Gibraltar), referring to a written submission to the Committee detailing the lengthy, politically motivated queues at the international border with Spain — ruled unjustified by the European Commission — and of the repeated illegal incursions into British Gibraltar territorial waters by Spanish vessels and into Gibraltar's airspace by Spanish aircraft, said that such repeated incidents were not the actions of a supposed friend and ally, but clear attempts against Gibraltar's territorial integrity. The 245 illegal incursions by Spanish vessels in the last two months alone had been challenged through the appropriate channels and were therefore of no de facto or de jure value to the Spanish Government in building a claim to the sovereignty of the waters around Gibraltar. Furthermore, those incursions risked lives and distracted law enforcement agencies from the important fight against the international organized crime and drug trafficking that plagued the Straits of Gibraltar. While the Spanish authorities were not to blame for such crime, they wasted precious time and resources in futile sovereignty games at sea and in the media instead of working with the Gibraltar law enforcement agencies. It was time to show maturity. Gibraltar stood ready to work with the relevant Spanish authorities, but on the basis of their respective maritime jurisdictions as delimited by the United Nations Convention on the Law of the Sea: British Gibraltar territorial waters were recognized as such by all the Governments that had ratified the Convention.

11. He had little confidence, however, that Spain would cooperate even on law enforcement issues since the Spanish Government's prime foreign policy objective remained its recovery of sovereignty over Gibraltar, even against the wishes of the people of the Territory. No matter how much of its annual budget Spain allocated to that end, Gibraltar would never be Spanish. Seeking only bilateral engagement with the administering Power, the United Kingdom, was an approach that went against the grain of modern politics and the principles of consent and self-determination that the Committee had been established to defend, and must therefore be rejected. Gibraltarians would veto

any such bilateral talks, for they themselves were the only relevant decision-makers in determining the future of Gibraltar, regardless of any pending sovereignty claim.

12. Gibraltar would wish to work with the Spanish authorities at all levels to promote the business opportunities available to companies accessing the European Union single market through the Bay of Gibraltar; that whole area could be transformed into a mutually beneficial arc of prosperity that would drive down unemployment in Spain. Working on non-sovereignty issues through the established Trilateral Forum for Dialogue, as the previous Spanish Administration had done, would build new relationships of trust and confidence that would yield real human and economic value in the short, medium and long term. Gibraltar was committed to establishing a dialogue with the Spanish Government, despite its continued hostility, because diplomacy and dialogue were the catalysts for lasting change and reconciliation of previously irreconcilable positions. Together with its United Kingdom counterparts, his Government had proposed ad hoc talks in parallel to the Trilateral Forum. The desire for economic partnership and political reconciliation with Spain was clear and genuine, but Gibraltar belonged — and would always belong — to Gibraltarians.

13. **Mr. Buttigieg** (Self-Determination for Gibraltar Group) said that the Committee, which included many former colonies, should recognize that Gibraltarians had an inalienable right to self-determination. The case for delisting Gibraltar was irrefutable and long overdue: the Territory had a great degree of self-government, and in fact its 2006 Constitution conferred greater autonomy than that currently enjoyed by Scotland. Generations of young Gibraltarians, observing the long-running debate and the outdated intransigence of successive Spanish governments, had wondered how Spain, given its hard-won democracy and its membership in the European Union and NATO, could still place national pride above its reputation as a progressive and democratic nation. Why would it not acknowledge the separate voice and status of Gibraltarians? With its archaic claim over Gibraltar that would be untenable in the International Court of Justice, Spain was punishing thousands of its own citizens working in Gibraltar and inconveniencing Gibraltarians with border restrictions and delays that

even the European Union had qualified as unjustified and disproportionate.

14. Gibraltarians would continue to question such a stance and persevere in their resolve to exercise their right to self-determination. They had laboriously established a partnership with the United Kingdom based on respect and recognition of that right, but Spain continued to oppress them in a manner unbecoming a country seeking a non-permanent seat on the Security Council. Within the European Union, where national sovereignties had progressively been diluted for more than 30 years, it defied all logic to use a sovereignty claim to deny them that right. He asked the Committee to strive to resolve an issue that could no longer conceivably carry any legal, rational or democratically acceptable justification. The rights of a peaceful and long-established people, however small, should be fully respected and recognized.

Question of New Caledonia (A/C.4/69/4)

15. **Ms. Ligeard** (President of the Government of New Caledonia) said that the sharing of power and responsibilities in the newly elected Government, made up of both pro- and anti-independence representatives, was not a simple matter. Despite two Accords and 26 years of peace, nothing could be taken for granted: the balance remained fragile and constant vigilance was required to avoid any radicalization of one or the other party. Nevertheless, to build New Caledonia, none of its components must be left out or pitted against each other. It was important to see beyond differences, whatever the decolonization path chosen by New Caledonians, among the options offered by General Assembly resolution 1541 (XV).

16. After landmark provincial elections in May 2014, the thirteenth Government of New Caledonia, despite an anti-independence majority, had committed itself to inclusive governance to ensure institutional stability. There was no doubting the democratic legitimacy of pro-independence elected officials, who accounted for almost 50 per cent of the Congress and controlled two thirds of the provinces and communes. There had already been full transfer of powers — the bastion of true autonomy — in the areas of education, civil and trade law and security; only the optional transfer of the powers outlined in article 27 of the Organic Law of 19 March 1999 had yet to be completed. However, the question of electoral rolls continued to be a source of tension.

17. While the current meeting was not the time or place to take sides, she reaffirmed the shared conviction that Caledonian citizenship could not and should not be built on the concept of exclusion. The Government would continue to promote dialogue so as to build a society that embraced diversity while respecting the identity of its first peoples. It was also committed to encouraging initiatives that integrated all communities into the shared heritage of New Caledonia through spaces for cultural expression, taking into account the work done by the Customary Senate on Kanak values, and building bridges between common law and customary law.

18. The Government had embarked on significant social, economic and tax reforms. Measures to address domestic issues such as the high cost of living or distribution of wealth and to face the challenges of globalization would be implemented by the end of 2015. Furthermore, legislation would be introduced in 2015 to extend job protection and promotion measures to the public sector. To assist New Caledonians in assuming leadership roles in the economy and administration, priority had been given to education and training, with special attention to addressing the difficulties that Kanaks, in the large majority, faced entering the job market. The Caledonian civil service to be introduced in 2016 would promote the values of citizenship and social cohesion and would open new avenues for employment and social integration while encouraging social diversity. In addition, the nationwide transport plan to improve access to the remotest islands was nearing completion and a framework document would be presented to the Congress in 2015.

19. In terms of regional cooperation, New Caledonia, whose application for full membership of the Pacific Islands Forum had received a favourable opinion, was also consolidating its role within the Pacific Community. It continued to strengthen its regional and bilateral ties with countries of the South Pacific region and would set up a network of representatives in Pacific countries, with help from France. Furthermore, given its overseas status within the French Republic and its ties to the European Union, and its Melanesian identity, New Caledonia could serve as a bridge between Europe and the Pacific.

20. **Mr. Aisi** (Papua New Guinea), referring to the issue of training and capacity-building for Kanaks, asked the President to enlighten the Committee on

whether there were public- or private-sector programmes to facilitate the training of cadres. He also asked for her views on the Noumea Accord process as it drew to an end.

21. **Ms. Ligeard** (President of the Government of New Caledonia) said that ever since the signing of the Matignon Accords, a specific programme had been implemented to provide training for the Kanak population. Her Government would continue and expand the highly successful programme by allocating 36 million euros from the European Development Fund for training and labour-market integration for those who had the most difficulty finding jobs. Regarding the end of the decolonization process, it was crucial for all stakeholders to come to the table. For 26 years, New Caledonia had avoided violence and sought to build the Territory's future through collective dialogue. The road ahead was long but efforts continued to try to involve all partners despite recent setbacks.

22. **Mr. Goa** (Front de libération nationale kanak et socialiste (FLNKS)) said that after 30 years of fighting for full international sovereignty on Kanak land, the pro-independence movement had demonstrated on several levels its ability to implement public policy to put the country on the path to sustainable development, drawing on its natural and human resources. The last government before completion of the Noumea process had taken office in May 2014 and should lay the foundation for a democratic and progressive nation that respected the Charter of the United Nations. Institutional change, however, would depend on the irreversible referendum of 2018, and the decolonization process must be taken to its conclusion to enable the Kanak people to exercise their right to self-determination.

23. Yet essential provisions of the Noumea Accord were not being respected owing, in part, to the policy of the administering Power, which was imposed locally by the anti-independence parties under the guise of democracy and law. As it stood, the outrageous situation with the electoral rolls furthered the agenda of the French Government. Over the last few years, the FLNKS had repeatedly alerted the international community to that electoral fraud, which went hand in hand with a policy of mass immigration, the intent being to further marginalize the Kanaks. Moreover, natural resources continued to be exploited and destroyed with impunity for France's economic benefit. The fact that there were no plans to offer training in the

skills required in the fields involved in the transfers of power was further tangible proof that France was determined to maintain control of Kanaky (New Caledonia). France continued to exercise powers of full sovereignty in his country, a matter which the international community should examine closely. The French Government had, in that connection, just been reprimanded for the conditions under which pro-independence trade unionists had been detained; and in recent weeks customary authorities had repeatedly denounced the way in which investigations were carried out in customary lands.

24. He therefore called on the United Nations to assist, through mediation with the administering Power, in persuading France to end colonialism in New Caledonia and to ensure a successful end of the Noumea process.

25. **Mr. Wamytan** (Union calédonienne (UC)/Front de libération nationale kanak et socialiste (FLNKS) and Nationalists Group, Congress of New Caledonia) said that, in celebration of the thirtieth anniversary of the FLNKS, the national liberation movement, a series of commemorations had been held of significant historical events in the Kanak people's struggle. Notable among them was the FLNKS boycott of the 1984 elections, by which the people had dramatically rejected the French Government's anti-independence policies and refused to accept voting lists that, by reflecting the successive French settlements promoted by French governments from the 1950s on, had made the indigenous, colonized Kanaks a minority in their own land. The courageous leader of that boycott, Minister Eloi Machoro, had subsequently been assassinated by French forces, but his generous Melanesian ideal of a shared nation, in which the rights of all would be recognized, lived on.

26. Thirty years later, however, it was still France's policy, despite its stance of neutrality, to thwart the independence of New Caledonia. At all meetings of the Committee of Signatories to the Noumea Accord since 2007 in Paris, and repeatedly before the Fourth Committee, the FLNKS had raised the issue of the flawed and fraudulent electoral rolls and demanded that France comply strictly with the Accord, to no avail.

27. Given the impasse, the FLNKS was now formally requesting the United Nations to begin acting as mediator between the FLNKS and France, within three months at the latest, so that the 2018 self-determination

referendum provided for by the Noumea Accord could take place in the most transparent conditions possible, once the issue of voter eligibility — the key battle in any decolonization struggle — had been incontestably resolved. His delegation would be repeating that request to representatives of the French Government when they met at the end of the week.

28. **Mr. Dunoyer** (Calédonie ensemble), said that the 1998 Noumea Accord had invited the populations of New Caledonia — the native Kanak people and the other communities who had legitimately arrived over the years — to come together to create a single people. The Accord had established Caledonian citizenship and set forth restrictive criteria to determine who could participate in congressional elections and provincial assemblies.

29. In 2007, the electorate had been frozen, excluding citizens who had arrived after 1998, a move his political party condemned. At the latest provincial elections, one of the two main pro-independence movements, the Union calédonienne, had asked for a new restriction on the electorate that would eliminate thousands who had arrived before November 1998, but that proposal had been rejected. The Special Committee on decolonization, which had monitored those elections, had vouched for the fact that they had been conducted fairly, and his party urged the parties concerned to overcome their differences through dialogue. He regretted that the Union calédonienne and the FLNKS had decided to boycott the twelfth annual meeting of the Committee of Signatories to the Noumea Accord, which enabled such dialogue.

30. His delegation fully supported the draft resolution before the Committee on New Caledonia, which strongly encouraged the concerned parties to continue their dialogue peacefully towards a self-determination where all options were open: independence or remaining within the French Republic. The self-determination referendum should not be subject to challenge and should be based on an electoral list that was credible, fair and transparent.

Question of French Polynesia (A/C.4/69/2)

31. **Mr. Temaru** (Tavini Huiraatira-UPLD) said that, as a representative of his party in the Assembly of French Polynesia, he welcomed the broad range of decolonization resolutions that had become applicable to Ma'ohi Nui, or French Polynesia, following its

reinscription as a Non-Self-Governing Territory. It should be noted that the draft resolution on French Polynesia before the Committee specifically recognized the inalienable rights of the people of the Non-Self-Governing Territories to their natural resources and their right to establish and maintain control over the future development of those resources. That doctrine was critical to the disposition of Ma'ohi Nui's marine resources, which comprised vast amounts of minerals and rare earth across some 5 million square kilometres of ocean.

32. The French State, as administering Power, was unilaterally limiting the scope of the Territory's authority over those resources, but the rule of law must prevail. France was a member of the International Seabed Authority (ISA), whereas Ma'ohi Nui, unlike all independent Pacific nations, was not. Hence, the Territory fully expected that its ownership and control of the resources would be given effect during the self-determination process. The administering Power was already planning exploitation and had established a special committee on strategic minerals (COMES) in which the Territory had no say. Without real recognition of Polynesian ownership of those resources, it was bound to become a powerless spectator of yet another pillaging. Moreover, without control over immigration, the Territory was powerless as job seekers from France flocking to its islands easily saturated its resource-related job market.

33. Therefore, two issues required the full attention of the United Nations: immigration control, which was currently exerted exclusively by the administering Power, and the need to define eligibility criteria for voters in the self-determination process.

34. **Mr. Brotherson**, speaking in his personal capacity as a deputy mayor of Tahiti, French Polynesia's largest city, said that all his Territory's communes faced daunting problems owing to the administering Power's application of the same municipal code that governed metropolitan France, which did not take into account their specific needs and constraints.

35. The same applied at the Territorial level, where electoral laws were drafted, adopted, updated and enforced unilaterally from Paris without any provision for local consent. The Government and President of the Territory were approved, controlled, judged and

dismissed by France, which even had the power — actually used twice — to disband its Legislature.

36. France was obligated under the Charter of the United Nations to prepare its Territories for self-government. Yet regrettably, as the administering Power, it had failed to transmit information on French Polynesia in the past year as required by Article 73 *e* of the Charter, a failure clearly noted in the draft resolution on the Territory. The Territory fully expected France to meet that obligation, but remained conscious that information transmitted by an administering Power could be biased. There was hence a great need for the United Nations to send visiting missions to French Polynesia to meet with all local parties and obtain first-hand information. The people of Ma'ohi Nui had high hopes that the United Nations would thus ensure a fair self-determination process as they pursued their peaceful yet determined path.

37. **Mr. Tuheiva** (Tavini Huiraatira-F.L.P.) said that his political party had been disappointed that the report of the Secretary-General on the environmental, ecological, health and other impacts as a consequence of the 30-year period of nuclear testing in French Polynesia (A/69/189) had been issued, perhaps strategically, almost a month after the Special Committee on decolonization had completed its work the previous June, making it impossible for it to review the findings and for the people of the Territory to have a chance to provide their views.

38. His party had concluded that the report was far from comprehensive, with merely 2 United Nations agencies out of some 22 replying to the Secretary-General's requests. One of those replies referenced a 1996 International Atomic Energy Agency (IAEA) study stating that the impact on the health of the Ma'ohi people had been negligible, which had proven vastly premature. A subsequent document of the United Nations Scientific Committee on the Effects of Atomic Radiation found that the testing of nuclear weapons in the atmosphere involved unrestrained releases of radioactive materials to the environment locally, regionally and globally, causing the largest collective dose to date from man-made sources of radiation. A review conducted at the 2013 Human Rights Council had concluded that, 17 years after the last French nuclear test in the Pacific, the people of French Polynesia were still living with the legacy of hundreds of nuclear tests. He drew attention also to other recent independent scientific analyses, which he hoped

Member States would circulate as documents of the General Assembly. Thousands of his people had yet to be given reparatory justice. The Secretary-General's report had barely scratched the surface, and should be followed by an in-depth examination within the appropriate mechanism of the United Nations system. Noting the link between the impact of nuclear testing on French Polynesia and the draft resolution on the effects of atomic radiation before the Committee, his party requested the General Assembly's assistance in recommending the inclusion of French Polynesia in the agenda of the United Nations Scientific Committee on the Effects of Atomic Radiation.

Question of Western Sahara (A/C.4/69/5)

39. **Mr. Cameron** (World Action for Refugees) said that there had been a lack of ability or will to end the misery of the Sahrawi camp population living captive in harsh desert conditions. Food and water supplies were inadequate and of poor quality, and according to the United Nations World Food Programme, the nutrition of children and their mothers was inadequate. While it was not the World Action for Refugees' mission to take sides, it had to conclude that the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) was mainly responsible for not breaking the deadlock.

40. A key factor was the camp population's lack of freedom to choose. The freedom to assemble, debate and formulate opposing opinions to that of the current Frente Polisario leadership was blocked by article 52 of the so-called Saharan Arab Democratic Republic's Penal Code, which threatened imprisonment for such "danger to the public interest". Within the camps and the geographical areas controlled by the Frente Polisario, there had sadly been no open debate of Morocco's 2007 self-government initiative, nor was there any acknowledged opposition advocating alternative policies to those that prevailed. That absence of basic human rights had transformed the camp population into hostages in a power struggle.

41. Although Morocco had further to go in the human rights sphere, it was strikingly different from the Frente Polisario. It had instituted fundamental changes in its Constitution, human rights approaches and legislation since the turn of the century, and, above all, had put forward a concrete initiative aimed at offering the Sahrawis command over their own future; it was a proposal they should be allowed to discuss and pursue

if they wished, and the Frente Polisario should follow their wishes.

42. **Mr. Rosemarine**, speaking in his personal capacity as an international law specialist, said that Morocco's 2007 autonomy proposal was the best practical way to bring Sahrawis long-term happiness. The proposal, fair, flexible and far-sighted, combined a large degree of self-determination with an emphasis on negotiations, allowing the parties concerned to tailor their claims to their real needs. It aimed to build a modern, democratic society based on economic and social development. As such, it brought hope for a better future for the region's population, put an end to separation and exile and promoted reconciliation.

43. Morocco guaranteed to all Sahrawis, inside and outside the Territory, that they would play a leading role in the Saharan region's bodies and institutions without discrimination or exclusion. The Sahrawis would run their affairs democratically through legislative, executive and judicial bodies enjoying exclusive powers, they would have the financial resources necessary for the region's development in all fields, and they would take an active part in the nation's economic, social and cultural life.

44. The international community had witnessed Morocco's response to the Arab Spring, which had led to lasting democratic reform and economic growth for the benefit of all. Morocco had given greater democratic freedoms to its entire people, which had resulted in an opposition party having been elected and remaining in power. Thus, Morocco could be trusted to achieve the same in the Saharan region through its autonomy proposal.

45. Just as Scotland had preferred autonomy to independence in a recent referendum because it recognized that it was dangerous to break away from a stable and established country in the modern world, and just as the United Kingdom could be trusted to organize a fair referendum, so could Morocco, which had pledged to work jointly with the Sahrawis in good faith to organize a referendum in accordance with international law, the United Nations Charter and the resolutions of the General Assembly.

46. **Mr. Margelletti** (Centro Studi Internazionali) said that the dangerous unrest in North Africa and the Sahel and in the Middle East fomented by an ideological or religious radicalization of socioeconomic discontent, economic underdevelopment and the

fragility of State institutions, had created fertile ground for the proliferation of extremist and terrorist movements; and that often the violence and extremism were the offspring of political issues unresolved since the times of decolonization. That was certainly the case in the Western Sahara crisis, which was above all social and political, and no solution should disregard a clear political strategy and extensive social action. The implementation of human rights and the promotion of autonomy — a perfect combination of self-determination and the safeguarding of a nation's integrity — appeared to be the best way to start national reconciliation and avoid unpredictable developments. Defending the principle of subsidiarity, respecting cultural identities, protecting local and autonomous governments and building a reliable education and welfare system were the international community's principal weapons for fighting jihadist extremism.

47. However, only through compromise and a common agenda could both a State and its minorities fully attain their mutual goals. Promoting autonomy would not only ensure the development of the State, but also the stability of the entire region, by shrinking the space of action for the current political and social threats.

48. **Ms. Huff** (Teach the Children International) said that those who suffered the most, the average people in the Tindouf camps, needed programmes that would enhance their lives and self-esteem more than they needed second-hand shuttle diplomacy.

49. In a 2014 article published by the Office of the United Nations High Commissioner for Refugees (UNHCR), a young Sahrawi educated outside the camps called for workshops and conferences on behaviour modification that would teach his people to become self-reliant and move away from a welfare mentality. She wholeheartedly agreed that a sense of personal responsibility would go far in removing the prevailing victim mentality that fostered hatred and resentment in the camps — a mentality created not so much by outside forces but by their own leadership — and would enable the Sahrawis to become prosperous entrepreneurs and reliable employees.

50. Currently, the international community should not advocate more political organizations, laws, human rights agencies, policies or programmes, or any other extension of authority over those living in the camps.

They had to become healthy and productive individuals who could cultivate a relationship and come together in peace with their brothers and sisters living in Morocco, for the good of the entire Sahrawi people.

51. It would be of no use to add a human rights dimension to the United Nations Mission for the Referendum in Western Sahara (MINURSO), given the Frente Polisario leaders' inability to see themselves as anything other than victims, which gave little hope for a peaceful settlement of the question of Western Sahara. The international community must give a chance to Morocco's proposal to grant autonomy to the Saharan region, for it would be a good basis for the resolution of the issue.

52. **Mr. Debeche**, speaking in his personal capacity as a professor of political science and international relations at the University of Algiers 3, said it was hard to believe that, almost 70 years after the founding of the United Nations, the international community was still discussing decolonization and the self-determination of colonial peoples, the very basis of the United Nations Charter, instead of focusing on issues such as economic prosperity, education, health, the environment, social justice and combatting terrorism.

53. Not a single United Nations Member State recognized the Moroccan occupation of Western Sahara. While Morocco affirmed its commitment to international law, it hindered any progress towards a free, fair and transparent referendum, and was engaged in the exploitation of resources, massive human rights violations and military oppression in the occupied Territory. There surely could be no simpler, more objective and more democratic action than giving the people of Western Sahara the right to choose between acceptance of the Moroccan occupation, independence or any other option via a referendum.

54. Decolonization of Western Sahara was not only a solution for the Sahrawis, but also an example for all African countries and peoples because it reinforced the principle of respecting and maintaining borders inherited from colonialism. It would also advance the ideal of a united Maghreb. Africa desperately needed common stability, security, prosperity and democracy among neighbouring States.

55. MINURSO's task could not be carried out without respect for human rights, which were violated daily by Moroccan security forces in Western Sahara. It was essential, when the mission's mandate was

renewed early the following year, to expand it to include a human rights component.

56. **Ms. Sherrill** (Common Ground Ministries) said that the Sahrawi refugees must be allowed to return to Morocco, to better homes ready for them in southern Morocco, after almost 40 years in the hot, dry Algerian desert. Although her solution was simplistic, those who had complicated the matter were responsible for impeding any action since 1975. In the face of politics, greed for United Nations goods and money, the black market and terrorist crime in and around the camps, the common-sense solution of relocation was very appealing for the Sahrawis in the twenty-first century.

57. She beseeched the international community to alleviate the suffering and isolation of the third and fourth generations of Sahrawi families. Continued confinement and containment in Algeria should no longer be an option. Morocco had opened its doors for the return of those families, and surely reasonable pressure could be applied on opposing factions in order to allow that invitation to be accepted.

58. **Ms. Sams** (Antioch Community Church) said that the United Nations needed to invest in the education of Sahrawi children in the Tindouf camps. On her previous visits to the camps, she had seen functioning schools filled with students. There were now widespread reports that education there had declined, that mandatory attendance was not enforced and the upper elementary boarding schools had been shut down.

59. According to the United Nations Children's Fund (UNICEF), the main contributing factor to adult success was the extent of childhood education. Universal primary education, as one of the Millennium Development Goals, should be of primary concern to the United Nations and to the Frente Polisario, and the United Nations should do more to monitor the Sahrawi children's education.

60. Those who grew up without an education must learn to function in civil society as illiterate adults — a handicap that they must live with for the rest of their lives. The youth of the camps had limited opportunities to work, which led to frustration and disillusionment and a subsequent feeling of helplessness and dependence on foreign aid. The United Nations had reported problems with unmotivated young Sahrawis repeatedly absent from school; the children who suffered most were those who lived in the most remote Tindouf camp of Dakhla. The United Nations had to

take steps to build schools in order to make a minimum of elementary education available to every child in the camps.

61. **Mr. Berkouk**, speaking in his personal capacity as a professor at the National School of Political Science, Algeria, said that Morocco had consistently refused to recognize the Sahrawi people's right to independence despite the international community's insistence on peacefully settling the conflict through a democratic decolonization process. Morocco continued its policy of repression and human rights violations by resorting to extrajudicial killings, torture, forced disappearances, harassment, rape, deprivation and prolonged arbitrary detention.

62. The Sahrawis had accepted a ceasefire with Morocco in the early 1990s on the promise that MINURSO would guarantee a free and fair referendum for self-determination. More than 20 years later, the Sahrawis were still waiting. Calls were increasingly heard for a return to armed resistance, in the conviction that Morocco was using its economy, illegal drug industry, foreign military aid and exploitation of Western Sahara's natural resources and fisheries to finance its war machine, which was used to quell the Sahrawis' peaceful struggle for independence while at the same time threatening regional stability.

63. To avoid a return to violence by disillusioned Sahrawis, it was imperative that the international community adopt a bold stance to end Morocco's colonial presence in Western Sahara: it should empower MINURSO with a more proactive mandate that would enable it to resume the organization of the self-determination referendum and equip it with new authority to monitor human rights violations in the occupied Territory; it should consider the conflict between Morocco and the Frente Polisario an issue of peace and security; arms sold to Morocco should be linked with safeguards to prevent their being used against the Sahrawis; an international consensus should be established banning any foreign investment in the pillage of Sahrawi resources or the inclusion of Sahrawi resources in any trade agreement; a Security Council resolution should demand that Morocco be more serious and proactive in its negotiations with the Frente Polisario; and lastly, the United Nations should take a strong stand against the Moroccan drug industry, which posed a serious threat to regional stability.

64. **Ms. Hoorn**, speaking in her personal capacity as a historian of African decolonization and referring to the escalating problems in the Sahel region, beyond the grinding poverty, that were threatening the people of Morocco and of Western Sahara, said that there were continued border-control challenges facing Algeria, as criminal groups operating across borders sought recruits in the refugee camps near Tindouf, increasing the danger of radicalization there. Terrorism and separatism had undeniably spurred a phenomenal growth of violence and instability also in a large portion of Mali and constituted a threat to the security and stability of sovereign States in the whole region. The range of disturbing kidnappings in recent years and the disappearance of arms reported in the international community had aroused fears that weapons were being smuggled into neighbouring countries in the Islamic Maghreb. Thus, in addition to recent environmental, poverty and food crises, the weakness and porous borders of nations in the Sahel had made it a safe haven for terrorist groups affiliated with international networks, separatist groups and drug traffickers. The combination of those factors had resulted in large-scale movements of refugees seeking shelter in neighbouring countries.

65. Given the magnitude of those challenges, it was of the utmost importance for the international community to develop a regional platform for cooperation in the Sahel involving North, West and Central African countries. Morocco's willingness to work with its neighbours, as evidenced by the many concrete measures it had taken to enhance cooperation in combating the increasing security threats in the entire region, had been recognized by the United Nations.

66. **Mr. Sahel** (National Association for Youth Exchanges, Algeria) said that young people bore the brunt of the Moroccan occupation for they were hostage to a sombre present and an uncertain future, completely destabilized and vulnerable. The false hopes raised by the 1991 ceasefire had led young Sahrawis to take up the fight once again, but through peaceful demonstrations, to denounce the untenable situation they continued to endure. The 2010 popular uprising at Gdim Izik, like the ones before it, had been a peaceful protest against injustice and indifference, but had been violently repressed. The Moroccan authorities committed innumerable human rights violations, particularly against Sahrawi human rights

defenders, including torture, enforced disappearance and even murder, as documented in the killing of three students at university campuses in Agadir and Rabat.

67. With no solution to socioeconomic problems after over a century of occupation by Spain and Morocco, the basic needs of Sahrawi populations had been barely met and job opportunities severely limited. Many young Sahrawis had lived with anxiety disorders and in fear of the future as their standard of living continued to fall because of endemic unemployment and a primary school dropout rate of over 90 per cent. The diabolical policy of the Moroccan occupier to so weaken and terrorize them that they could no longer defend their stolen national identity or resist the inexorable occupation had pushed some of them to seek refuge in the inhospitable, remote desert, where they were cut off from the world and their most basic, legitimate rights were denied. Despite such constraints, young Sahrawis continued to be ready to defend — peacefully, or if need be with arms — the sovereignty, rights and dignity of which they had been robbed. They sought only to exercise their rights in their land, the Sahrawi Arab Democratic Republic, and their relentless distress calls should not go unheeded by the United Nations, which must implement the relevant resolutions and ensure a lasting solution that guaranteed freedom, peace and stability for the Sahrawi people.

68. **Ms. Boulmerka**, speaking in her personal capacity as an Algerian world and Olympic champion who had devoted her life to peace, equality and freedom, said that the Sahrawi people looked forward to full enjoyment of their right to self-determination and to throwing off the yoke of Moroccan oppression by participating in a democratic referendum which, it was hoped, would be held soon. Despite their misery and suffering, women in the refugee camps had never been prevented from taking part and excelling in all aspects of political and social life; they practiced democracy at their own level. They continued to confront oppression and defend their rights peacefully and determinedly and were an example for all Sahrawis. In the camps there was a unanimous desire for the universal right to self-determination and dignity, but the hope that could be seen in the faces of the refugees was painful because it was accompanied by the knowledge that all they could be given was solidarity. She called on the Committee to make justice prevail and ensure that the people of Western Sahara and all

colonized people could enjoy their rights and achieve their dreams. While she was saddened that many young Sahrawis, despite their will and dedication to sport, would never be able to compete or excel at the highest international levels as she had done because they lived under occupation, she hoped that her presence would help to expedite efforts to end their suffering and realize their aspirations for freedom.

69. **Mr. Ayachi** (Comité national algérien de solidarité avec le peuple sahraoui) said that he was deeply concerned about the human rights violations committed by the administering Power in the occupied Territories of Western Sahara. The atmosphere of terror created by the Moroccan army and police forces there was a deliberate effort to intimidate the Sahrawi people and reduce them to silence. The violations ranged from excessive arrests and arbitrary detentions on a daily basis to enforced disappearances — the whereabouts of 561 Sahrawi victims remained unknown — torture, unfair trials and extrajudicial killings. However, a strict media blackout prevented any information about the situation from filtering out and already in 2014, no less than 23 foreign missions, including lawyers, political figures, observers and civil society representatives had been brutally denied entry to Western Sahara by the Moroccan police. Several international organizations, human rights bodies and NGOs had reported and denounced the grave human rights violations.

70. By signing the ceasefire agreement brokered by the United Nations in September 1991, the Sahrawi people had placed their trust in the Organization. In 2014, the referendum on self-determination that had been promised more than 20 years earlier had yet to be held because of the delaying tactics, arrogance and obstinacy of the Moroccan authorities. It was time to put an end to the suffering of the Sahrawi people by widening the mandate of MINURSO to protect and enforce human rights in Western Sahara and by organizing the referendum as soon as possible, in compliance with the relevant resolutions of the United Nations. The urgent realization of those two objectives would protect the Sahrawi people and provide justice for them.

71. **Mr. Diallo**, speaking in his personal capacity as Director of the Centre for Diplomatic and Strategic Studies of Dakar, said that revitalizing cooperation within the Arab Maghreb Union and securing the Sahel-Saharan strip were fundamental to achieving lasting stability in the region. The conflict in the

Saharan region, artificially maintained and exploited by the neighbouring State of Algeria, was a permanent threat to peace in the region and the whole of Africa. How could a fictional republic under the Frente Polisario maintained with Algerian support, which was recognized by no other regional or international organizations save the African Union, be allowed to destabilize an entire region? Furthermore, consistent reports indicated that the separatist Frente Polisario had begun diversifying its activities to include drug trafficking and even links to local terrorist groups.

72. The conflict in the Moroccan Sahara was not a matter of decolonization, but rather of interference in the internal affairs of a State by a neighbouring State with designs of hegemony in the region. Algeria must therefore take responsibility for sheltering a separatist group against Morocco, and commit to finding a lasting, realistic solution to the problem. In the light of the increasingly positive role that Morocco played on the international stage as a cooperative and trustworthy regional Power, a proponent of African economic and social development and a force for peace, he urged the Committee to recommend to the Secretary-General that the Security Council should henceforth be seized of the matter and determine how to implement the Moroccan autonomy proposal, which was the only way to ensure peace and stability in the region.

73. **Ms. Karimi** (Pacis Group) said that it was of paramount importance for the United Nations to take action to address the needs of those whose basic human rights were being violated and who desperately needed intervention, particularly in two areas. First, women in the Tindouf camps were imprisoned and ill-treated for the crime of sexual relations outside of marriage — pregnant women and single mothers were being detained, sometimes with their infants and toddlers, in unacceptable conditions at facilities that provided the barest of shelter from the intense desert heat. The definition of extramarital sex as a crime should be changed because it pertained more to the right of each of those women over their own bodies.

74. Secondly, there were disturbing reports that forced marriages of women and underage girls had become common practice in the camps, and especially that girls as young as 13 were being married against their will by Frente Polisario leaders for a political end: to guarantee, by banning the use of birth control devices, enough offspring for their cause. The United Nations and the international community, both

governmental and non-governmental, must act to stop the inhumane treatment of the Sahrawi women in the refugee camps and make reparation for the damage done to them.

75. **Mr. Bettache** (Mayor of the commune of Alger Centre) said that his communal assembly emphatically reaffirmed Algeria's long-standing position on the question of Western Sahara, which called for the application of international law to a decolonization question recognized as such by the international community. Unfortunately, Morocco persisted with its colonial policy and its negative, confrontational attitude, constantly putting spokes in the wheels whenever progress could be made. Thousands of Sahrawi civilians in the occupied Territories continued to be subjected to fierce repression, torture, humiliation and other human rights violations, simply because they had peacefully voiced their people's desire to exercise their legitimate right to self-determination and put an end to the unbridled and organized pillaging of Western Sahara's natural resources by the occupying Power.

76. Continued silence would serve only to breed further injustice and impunity. The United Nations therefore had a political and legal responsibility to take action to guarantee Sahrawis that inalienable right. The Security Council and the Secretary-General must take up the challenge and uphold international law. To maintain its credibility, the Organization must be more forceful in compelling Morocco to comply with the international resolutions on decolonization. The Council must also act swiftly to end the violations of human rights, protect personal and property rights, and guarantee unhindered access for the media and independent observers to the occupied Sahrawi Territories. It was urgent either to set up a United Nations human rights body in Western Sahara or to expand the mandate of MINURSO.

77. Finding a just and lasting solution to the question of Western Sahara in keeping with international law was not only necessary but possible. It was up to the Security Council to ensure that the referendum was held, thus completing the decolonization of Africa by enabling the Sahrawi people to freely determine their future.

Statements made in exercise of the right of reply

78. **Mr. McDonald** (United Kingdom) recalled that the United Kingdom had sovereignty over Gibraltar and the territorial waters surrounding it and that, as a separate Territory, Gibraltar enjoyed the individual and collective rights accorded by the Charter of the United Nations. The 2006 Gibraltar Constitution provided for a modern and mature relationship between Gibraltar and the United Kingdom, not one based on colonialism. The United Kingdom would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes and would not enter into sovereignty negotiations which they opposed.

79. The United Kingdom and Gibraltar wished to continue to take part in the Trilateral Forum for Dialogue, which was the most credible, constructive and practical means of strengthening relations between the United Kingdom, Gibraltar and Spain for the benefit of all parties. The United Kingdom regretted that Spain had withdrawn from those talks in 2011. However, following a proposal by the United Kingdom and Gibraltar to Spain in April 2012, his country noted a constructive move to ad hoc talks aimed at strengthening cooperation on issues of mutual importance through means which fully reflected the interests, rights and responsibilities of the people of Gibraltar.

80. The United Kingdom denied the allegations by Spain that it had illegally occupied the isthmus and the waters surrounding it. Pursuant to the United Nations Convention on the Law of the Sea, territorial waters flowed from sovereignty over the land. The United Kingdom was therefore assured of its sovereignty over British Gibraltar territorial waters. The United Kingdom would continue to uphold British sovereignty and would use a range of proportionate naval, police and diplomatic responses to incursions and other incidents.

81. Gibraltar's fair and open tax system complied with all applicable European Union directives and regulations and met internationally agreed tax standards. It had entered into several tax- and information-sharing agreements with other States, but Spain had yet to reply to written proposals by Gibraltar for such cooperation. It should also be noted that while the European Commission had recognized Gibraltar's commitment to tackling cigarette smuggling over the

Spain-Gibraltar border, it had raised concerns about Spain's lack of progress in addressing its recommendations. Gibraltar stood ready to work with its Spanish counterparts across the full range of law enforcement challenges, as cooperation and good neighbourly relations would benefit both parties. Creation of the reef was legal and was part of the government of Gibraltar's long-term marine environment management plan to improve fish stocks and regenerate habitat. The use of inert concrete blocks to create artificial reefs was consistent with international best practice and with Spain's own approach to artificial reefs.

82. **Mr. Gutiérrez Blanco Navarrete** (Spain) said that the position of Spain regarding the areas ceded to Great Britain under the Treaty of Utrecht remained unchanged. Spain did not acknowledge that the United Kingdom had any rights to the land, air and sea not included in article X of the Treaty, under which only the town and castle of Gibraltar, together with its port, fortifications and forts, had been ceded.

83. The isthmus had not been ceded by Spain to the United Kingdom under the Treaty of Utrecht, and had always been under Spanish sovereignty. Spain had repeatedly stated that the mere continued occupation by the British did not meet the requirements of international law for the acquisition of sovereignty. Spain therefore understood that the occupation of the isthmus was illegal and ran counter to international law. Spain rejected the reference made by the representative of the United Kingdom to illegal incursions in Gibraltar waters; they were routine operations of Spanish vessels in Spanish waters and would therefore continue. Furthermore, concrete blocks with long hard spikes had no environmental purpose, but rather were intended to prevent Spanish fishing boats from operating in those waters, reflecting the confrontational approach of authorities in Gibraltar. As for the Trilateral Forum, he reiterated his earlier remarks. Spain was, however, willing to negotiate with the United Kingdom the establishment of a new regional framework in which the United Kingdom and Spain, Gibraltar authorities and Spanish local and regional authorities would all meet to deal exclusively with cooperation issues.

The meeting rose at 6 p.m.