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## Special Political and Decolonization Committee (Fourth Committee)

### Summary record of the 5th meeting

Held at Headquarters, New York, on Friday, 10 October 2014, at 3 p.m.

*Chair:* Mr. Bhattarai ..... (Nepal)

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\* 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 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 petitioners (continued)*

1. **The Chair** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

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

2. **Mr. Nafaa** (Association citoyenneté et développement humain de Dakhla) said that since the beginning of the artificial conflict over the Moroccan Sahara instigated by Algeria, Morocco's consistent overtures aimed at reaching a mutually satisfactory solution had mistakenly been seen as a position of weakness instead of one of strength conferred by the legitimacy of its cause and the refusal to yield even the smallest part of its territory, regardless of the sacrifice. Algeria's continued attempts to undermine, by any means necessary, the peaceful solution to the crisis offered by the autonomy proposal went so far as to distort facts, use underhanded diplomacy and spend billions of petrodollars to win international support. The insidious campaigns reflected the hostility of the Algerian Government, which used the principle of self-determination as a screen when its true aim was to encircle and weaken Morocco; they betrayed its fear of a truly successful self-determination process, which could set a precedent and spark similar aspirations in Algeria as communities sought to share in the wealth that remained in the hands of a few exploitative leaders. Such fears were justified, for recent events had shown that large swathes of the Algerian people wanted just that. The conflict involved only Morocco and Algeria and there could be no solution without direct negotiations between the two parties. The Saharan people in the Tindouf camps were merely the victims of Algeria's schemes.

3. **Ms. Maâlainine** (Organization for Communication in Africa and Promotion of International Economic Cooperation (OCAPROCE International)) said that the alarming situation in which thousands of women and children were forced to live the Tindouf refugee camps — extreme poverty, no

basic sanitary and hygienic facilities and poor infrastructure — continued to deteriorate because of the failure of the Frente Polisario para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) to protect and promote human rights, as required by international human rights bodies.

4. The extreme degradation inflicted on women by the Frente Polisario — torture, sexual violence and denial of freedom of expression and freedom of movement — had created a climate of terror that had dashed any hopes the women might have had for a just solution to a conflict in which there would be no winners. Furthermore, the high rates of maternal and infant mortality, disease, malnutrition and other serious health problems that were rife in the camps were the result of the misappropriation of international humanitarian aid by Frente Polisario leaders, who sought only their personal enrichment.

5. The time had come for the Committee to end the leadership's impunity and stop the propaganda machine that took advantage of the plight of women. It was only by accepting the autonomy plan courageously proposed by Morocco and lauded by the international community that it would be possible to offer the women in the camps a life of dignity and a better future, and guarantee them the full enjoyment of their rights.

6. **Mr. Laghzal** (Moroccan National Human Rights Council), speaking in his personal capacity as a former political prisoner and victim of human rights violations and still a dedicated human rights activist in the Sahara region, said that since beginning of the transitional equity and reconciliation process, his Government had implemented a number of positive measures, including the establishment of an office of the National Human Rights Council in the region and an ombudsman's office, which jointly defended citizens' rights through a reception centre that advised citizens on human rights issues and through the documentation of suspected violations. The Government's efforts to build a culture of human rights and introduce legal reforms had culminated in the establishment of regional mechanisms in the form of two human rights commissions comprising various government agencies and civil society organizations, which reported on complaints received and cooperated with other local activists to implement the recommendations of a regional equity and reconciliation body set up to repair collective damage, report on the human rights situation and provide compensation for individual victims of

violations. Furthermore, the new Constitution had provisions for safeguarding the Hassani culture that was widespread in the Sahara region.

7. Having been involved in the process, he could confirm that in Morocco the rights of all activists, including separatists, were upheld regardless of their ideologies. In a framework of transparency, Morocco would welcome any and all representatives of the United Nations or other international bodies and NGOs at their request. Algeria, on the contrary, refused to permit such visits. Hundreds of complaints of human rights violations had been received from families and individuals living unprotected in the Tindouf camps. While some of the victims had been compensated, that did not relieve Algeria or the Frente Polisario of their obligations towards the camp populations.

8. **Ms. Maoulainine** (Association locale d'Oued Eddahab) said that while many speakers had focused on the political situation, human rights violations, terrorism and regional instability, none had highlighted the opportunities Morocco had offered to the Sahara region, particularly with regard to employment opportunities for young people. New legislation that encouraged entrepreneurship had fostered the economic development of the region, notwithstanding the harsh climate, and many young Saharans had realized their dreams. The reality was that the majority of Saharans had never left their land, despite being pressured to do so by Algeria, and continued to live in peace and security. Many measures had been implemented to encourage participation in political life, and with over 40 elected representatives from the Sahara region in the National Parliament, Saharans played a pivotal role in democracy. Billions of dollars had been spent to develop the region through the building of facilities and infrastructure in line with international standards, with many services provided at nominal costs.

9. Since the Sahara had been returned to Morocco in 1975, the region had benefited from tax breaks and considerable food subsidies and there had been substantial investment to improve training and education to help young people to enter the workforce and develop leadership skills for eventual autonomy. The nomadic way of life of the past had given way to proper living conditions, and many Saharans earned decent incomes as professionals, having benefited from the same services provided by the Moroccan Government to all other regions of the country.

Similarly, young Saharans were eligible for university grants, free public transportation to school and student housing. Furthermore, even though the region currently had the lowest rate of unemployment in the country, the unemployed also received State benefits. In contrast, prior to 1975, no basic services were provided in the region and school enrolment was extremely low.

10. **Mr. Manni Chrif** (Coordination pour la défense des valeurs sacrées) said that Morocco had adopted a comprehensive development policy for the entire Kingdom which included the southern provinces while respecting their specificities. It had since 1975 implemented a number of ambitious sustainable development programmes that took into account the socioeconomic concerns voiced by the local populations in the Sahara region. Since 2002, the region had been earmarked to become a major centre for investment and a model of integrated regional development: the Government had encouraged public investment there amounting to roughly US\$500 million annually, Morocco's overall public expenditure being more than US\$1.2 billion. The region's social indicators were currently among the best in the Kingdom, surpassing the national average in the areas of human development, literacy rates and access to drinking water and electricity.

11. Despite the very low profitability of the region's only mine and the low phosphate reserves compared to the national scale, as much as \$2.5 billion had been invested in the southern provinces over 10 years to maintain the mining sector and save the jobs of workers, who supported more than 700 families. With regard to fisheries, the financial contribution provided by the European Union under its partnership agreement with Morocco was but an infinitesimal fraction of the budget the Kingdom allocated for the equipment of fisheries in general and for facilities, training and research centres specifically in the southern provinces. Those investments had expedited the region's socioeconomic development and would open it up to international trade and sea routes. It was therefore clear that the exploitation of the natural resources of that southern part of the Kingdom was not illegal, because it was conducted for the benefit of the local population. The United Nations Legal Counsel himself, in a 2002 advisory opinion relating to such Moroccan exploration, had confirmed the general principle that resource exploitation activities conducted in Territories for the benefit of their people or in consultation with

their representatives were compatible with the principles of international law (S/2002/161, para. 24).

12. **Mr. Roy** (Partenariat international), speaking as a Canadian specialist in human rights issues, said that the Moroccan proposal for negotiated autonomy for the Sahara region was consistent with the highest democratic standards, recognizing as it did the principles of self-determination, regional specificity, exclusive transfer of powers and subsidiarity, and establishing the necessary political, judicial and social institutions for governance. It would be implemented in line with guarantees under the 2011 Constitution, would draw on exemplary practices and precedents such as the establishment of a regional commission of the National Human Rights Council, and visits by independent United Nations special procedures, and would ensure the right of Saharan citizens to vote.

13. The new Constitution was applicable throughout Morocco and to all its citizens. The autonomy initiative, intimately linked to constitutional principles, was the fruit of a long, complex process during which Morocco had matured into a democratic State governed by the rule of law, one whose political commitments could be trusted. It offered the Sahara region the opportunity to be a part of a stable whole where diversity and the protection of individual freedoms were respected, and it was contingent upon acceptance by the people of the region in a free referendum. The proposed solution identified clearly the powers to be transferred and those that would be retained by the central Government: the region would have the wherewithal to govern its budget and tax scheme and would have to be consulted on foreign relations and regional cooperation issues. It therefore followed that the Moroccan initiative was a proposal for peace, security and the realization of political, economic and social rights. He supported it fully, convinced that it underpinned development and conformed to international human rights instruments, and would be a model for other regions or countries with similar problems.

14. **Mr. El Mami** (Moroccan Red Crescent of Dakhla) said that his compatriots were enduring harsh conditions, surrounded by Algerian armed forces in the camps in Tindouf, and should be returned to Morocco, the land of their birth. Frente Polisario leaders had made a business of selling international humanitarian aid to neighbouring countries; and thousands of young children were being forced to emigrate and risked

losing their identity. He urged the Committee to compel the Frente Polisario leadership to respect international human rights law, particularly as regarded the requirement to register and conduct a census of the camp population, and to leave the people free to return to their homeland if they wished. The recovered southern provinces of Morocco had a right to a stable and autonomous future in which Moroccan Saharans themselves would be in charge of their own economic development and governance. That future was approved by the international community and would bring with it stability after the current artificially sustained conflict.

15. **Mr. Agozino**, speaking in his personal capacity as an Argentinian university professor and expert in international conflicts, said that the creation of an independent State in the Sahara was both totally unjustified and politically impossible, as acknowledged repeatedly by international experts and bodies. Morocco, heeding the many calls of the Security Council, had shown political maturity by presenting an autonomy proposal for the Sahara region within a decentralized national framework that was based on geographical and economic realities and would enable greater citizen involvement in public affairs and in the socioeconomic and cultural development of every region of the country. The Sahara region had never been *terra nullius*, but had always been and would continue to be an essential and inseparable part of Morocco. The autonomy proposal, which respected territorial integrity and the sacred principles of the nation, fulfilled the aspirations of the Moroccan people. It was recognized by the international community as a peaceful, trustworthy and credible solution to a conflict in the Sahara that had become a continuous source of tension, and a continuing justification for the maintenance of irregular forces some of whose members had lately been implicated even in terrorist and criminal activities or participation in other conflicts in the region. The Committee must therefore be realistic and adopt the Moroccan proposal as a viable alternative to separatism that would gradually reduce tensions in the Maghreb, allowing the States of the region to address the security threats from the unstable Sahel in a more coordinated way. Algeria must also engage seriously in the negotiation process and recognize Morocco's sovereignty in establishing an autonomous status for the Sahara region. Recognizing any other claims would benefit only a small group of self-proclaimed leaders, to the

detriment of a population that had been forced to endure inhumane conditions in ghettos for years.

16. **Mr. Urizar Alfaro**, speaking in his personal capacity as a Chilean corporate lawyer, and recalling the advisory opinion of the United Nations Legal Counsel (S/2002/161) regarding the legality of Morocco's exploration of resources only if conducted in the interests of the people, said that Morocco had 75 per cent of the world's phosphate deposits. Most of them were found in the north of the country, yet the Government had continued to operate the Boukra mines in the Sahara for purely social reasons, primarily to sustain the hundreds of families who depended on the mine for employment. The allegation that Morocco's presence in Western Sahara was prompted by its desire to pillage the natural resources was an inexcusable affront. The same advisory opinion had also stated that offshore prospecting concessions signed by Morocco were not illegal. No respectable international body could thus qualify Morocco's investment — both public and private — in its southern provinces as theft, because it benefitted those populations directly and had always been in line with international law.

17. The claims by Algeria, the Frente Polisario and their allies that simply engaging in commercial or industrial activity amounted to pillaging were completely false. It could not be denied that since 1976, the introduction of free health care and education, free trade zones, a clean water supply, public utilities and other public works, coupled with an average annual allocation since 2001 of as much as 10 billion dirhams by the development agency for the southern provinces, had improved the quality of life in the Sahara region to equal or rival that of northern Morocco or other countries in Africa. Unlike the colonial Powers of old, Morocco did not and would never plunder resources. It would never attempt to buy the favour of its citizens, but always treated them with dignity and fairness. History and international law would not be kind in judging any failure to acknowledge the advances that had been made.

18. **Mr. Abba** (Association marocaine pour le développement humain de Boujdour) said that despite the international community's denunciation of human rights violations anywhere, there remained pockets of resistance which did not always respect human rights, such as the camps erected in Algerian territory to confine entire populations in a barren and hostile land.

His own family was among those classified as refugees by the United Nations — though they had never enjoyed any of the rights guaranteed them by international conventions — in an alleged host-country that had made every effort to prevent humanitarian organizations and the international community from enquiring about the use made of the aid they provided. As revealed by the international press and other organizations, Algerian authorities and Frente Polisario leaders were selling the goods donated by international humanitarian agencies, thus transforming the Tindouf camps into their private supermarket. Despite the fact that the confirmed large-scale diversion of humanitarian aid had prompted the United Nations to revise the inflated number of aid recipients downward, the Frente Polisario continued to maintain the camps as merely a source of income, for its own survival.

19. On behalf of all those living in the camps of shame, he called for United Nations inspectors to be sent where the fraud occurred daily on a massive scale, in order to ensure that the aid actually reached its recipients. Aid should be transported, stored and distributed by United Nations bodies, not by the Algerian Red Crescent or the so-called Sahrawi Red Crescent, to prevent any intervention whatsoever by the Frente Polisario. Lastly, he called on Algeria to allow United Nations representatives to enter the camps and carry out a census of the refugees. The refusal of the census was but another manoeuvre to hide the truth.

20. **Mr. Pinto Leite** (International Platform of Jurists for East Timor), speaking also on behalf of the Stichting Zelfbeschikking West-Sahara, said that there were striking similarities between the questions of Palestine and Western Sahara. He drew the Committee's attention to the wall built by Morocco in the occupied Western Sahara: a three-meter-high sand and stone berm, with bunkers, fences, electronic surveillance equipment and an enormous number of adjacent landmines, running over 2,700 km from the southeast of Morocco to the northern border of Mauritania. The construction of the wall was clearly illegal. In a 2004 advisory opinion, the International Court of Justice had declared that Israel's construction of a wall in the Occupied Palestinian Territory violated international law and that Israel should dismantle it and pay reparations for the damage caused. Were the Court asked to rule on the construction of the Moroccan wall, it could not conclude otherwise. While



self-defence was Morocco's main argument, Morocco — like Israel — was actually guilty of aggression and illegal occupation, the real purpose of the wall being to ensure the annexation of Western Sahara.

21. The wall had had a huge impact on Sahrawi society: it had separated Sahrawi families for decades, and had profound economic, social, cultural and psychological implications. It was reliably estimated that thus far there had been over 2,500 victims of the landmines planted by Morocco in the liberated area of Western Sahara. He urged the Committee to find a way to oblige Morocco to demolish that wall of shame and colonization.

22. **Mr. Boukhari** (Frente Polisario) said that Morocco's continued occupation of Western Sahara, the last colony in Africa, was nothing more than a direct challenge to the international community's established position on the right of the Sahrawi people to self-determination and independence. It was high time for that challenge to end. Recent developments, such as the African Union's designation of Mr. Chissano as Special Envoy for Western Sahara and the report of the Secretary-General on the situation concerning Western Sahara (S/2014/258) offered new opportunities. The Frente Polisario had agreed to the monthly visits by the Secretary-General's Personal Envoy announced in that report as part of the scheduled United Nations review of the peace process.. However, the three visits requested in May, June and September had not been conducted because of Morocco's refusal to cooperate, using subterfuge and delaying tactics to obstruct the continued United Nations mediation effort. In the same vein, Morocco had publicly denigrated the African Union envoy and had not allowed the new Special Representative of the Secretary-General and Head of the United Nations Mission for the Referendum in Western Sahara (MINURSO) to travel to Western Sahara to take up her duties.

23. Since the establishment of MINURSO in 1991, Morocco had been gradually transforming the Mission into an umbrella for colonial occupation. Decolonization of Western Sahara did not mean replacing a European colonizer by one from a neighbouring Afro-Arab country. The Security Council must clarify whether the original intent had, indeed, been to have MINURSO stand guard over an illegal occupation and turn a blind eye to the large-scale

pillaging of his country's resources and to human rights violations. The latest victim of such violations had died in detention because he had been denied medical treatment. The Sahrawi people, who had placed their trust in the United Nations, deserved and needed the truth. Forty years on, it was no longer possible to suffer in silence before the injustice imposed on the Sahrawi people and MINURSO's abdication of its responsibilities.

24. **Ms. Bachir**, speaking in her personal capacity as a Sahrawi born in the refugee camps and now a student at a United States university, said that Morocco, a brutal police State, continued to violate international law by denying the Sahrawi people their right to self-determination, humiliating the Sahrawi citizens living under its occupation by imprisoning thousands, causing the disappearance of hundreds, and exploiting their natural resources. The United Nations had been silent in the face of Moroccan atrocities and human rights violations, but MINURSO should instead be mandated to monitor and report the abuse. The political solution to the question of Western Sahara was straightforward: the Sahrawi people must be allowed to express their will in a free, fair and transparent referendum.

25. **Mr. Björnsson** (Lagarök), speaking on behalf of his Icelandic law firm, said that in line with Morocco's ongoing reform that gave a greater role to national human rights institutions, its new Constitution embodied extensive decentralization to ensure development in all regions of Morocco, including the Sahara region, through good governance and equitable transfer of powers. The country's Economic, Social and Environmental Council had developed an in-depth proposal for a new environmentally sustainable and socially equitable growth model for the Sahara region. It was based on the active participation of citizens and stakeholders, to guarantee social cohesion and allow them to benefit equitably from the region's resources through the diversification of local businesses and economic forces. The proposal was part of Morocco's national policy, implemented since the recovery of the Sahara, to address poverty and socioeconomic sustainability, and it had involved establishing the Development Agency of the Southern Provinces, boosting investment and encouraging the participation of the local population and local and national representatives.

26. Experience elsewhere had shown that autonomy was the solution, since it could enhance economic

development while avoiding the dismemberment of existing States at a time when union and integration were the preferable way to face modern challenges. An effective economic structure as well as effective ownership and management of resources, served by financial autonomy, could also advance regional responsibility in the Sahara.

27. **Mr. Essallami**, speaking in his personal capacity as a Sahrawi, respectfully requested the assistance of the United Nations in seeking justice for the extrajudicial killings of two of his compatriots, who had been violently gunned down by Algerian armed forces on the border between Mauritania and Algeria, leaving their families destitute.

28. **Mr. Mahraoui** (Royal Advisory Council for Saharan Affairs (CORCAS)) said that despite the false allegations of the Frente Polisario, the vast, silent majority of Saharans wanted to build a strong and united Moroccan nation, not the failed State that the Frente Polisario and Algeria aimed to establish. There were stark differences between the separatist movement that falsely claimed to be the sole representative of the Saharan people and the population itself. CORCAS was composed mainly of Saharan tribal chiefs, including the father of the current Frente Polisario leader; and the current President of the Moroccan Senate was one of the almost 2000 elected Saharans in public office at local, regional and national levels. Over the last 40 years, more than 10,000 people had fled the Frente-Polisario-run camps at the risk of their lives and now led normal lives in Morocco, where pastoral life had given way to genuinely modern life. Unfortunately, that was not the case for his fellow countrymen who were subjected to indoctrination and multifarious violations of their rights in four remote camps in Tindouf, precariously housed and undernourished in a particularly hostile and landlocked region of the Algerian desert, despite the wealth of the gas-producing host country. Since 1975, the international community had been refused access to the camps by Algerian authorities. Unable to identify the population and conduct a census, international organizations could not possibly assist refugees effectively and ensure their rights.

29. The international community must no longer tolerate the warehousing of the Saharan population in those inhumane conditions. The Algerian Government could no longer escape its responsibility in that regard. The absence of any prospect of a promising future,

compounded by the embezzlement of international aid intended for them by the Frente Polisario leaders, had led the camp population to despair, even pushing the young people towards trafficking in persons, drugs and weapons and towards international terrorism, as numerous sources had reported. The situation presented a real threat to peace in the region and the world. The international community should wait no longer to make a firm commitment to ending the conflict and should expedite the implementation of the autonomy plan for the Sahara region, deemed serious and credible by the Security Council, which would give his people what they wanted and allow Morocco to retain its sovereignty over all its lands.

**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-XI and XIII) and [A/69/189](#))

30. **The Chair** invited delegations to resume the general debate under the decolonization items.

31. **Mr. Munir** (Pakistan), recognizing the focal role of the Special Committee on decolonization, said that the informal consultations it had conducted earlier in the year with representatives of many Non-Self-Governing Territories and a number of other stakeholders had been an innovative approach that should be pursued, and such activities should be adequately funded by the United Nations.

32. Despite repeated reaffirmations by the General Assembly that colonialism was incompatible with the Charter of the United Nations and the Universal Declaration of Human Rights, complete decolonization remained a dream. The recommendations and decisions of the Special Committee could not be implemented without the political will of the General Assembly and of the Security Council. A concerted effort was also needed to avoid the selective implementation of Security Council resolutions, in particular those related to the right to self-determination. Although that right was recognized in many international human rights instruments, it was being violated in South Asia. Its exercise by Kashmiris was at the heart of the Jammu and Kashmir dispute. Pakistan was willing to engage in dialogue with India to find an amicable solution, which was essential to peace, stability and progress in the region and the completion of the decolonization agenda of the United Nations. The people of Jammu and Kashmir were still waiting for the plebiscite prescribed sixty years previously in United Nations resolutions. His Government was committed to self-determination for the area's people and the international community was responsible for resolving the matter.

33. In the Middle East, the denial of the right to self-determination of the Palestinian people was the main cause of conflict. Pakistan supported the just struggle of that people for peace and freedom. It also encouraged the parties to the dispute in Western Sahara to continue their negotiations in good faith, with realism and a spirit of compromise, in order to achieve a just, lasting and mutually acceptable political solution that provided for the self-determination of the people of the Territory. A settlement would be a boost for regional peace and progress.

34. **Ms. Sutikno** (Indonesia) said that, in the fourth year of the Third International Decade for the Eradication of Colonialism, 17 Non-Self-Governing Territories remained on the list, and the Organization's business was therefore unfinished. Indonesia had been one of the earliest and ardent proponents of decolonization across the globe and had been steadfastly committed to the work of the Special Committee and its mandate. Her Government especially welcomed the Special Committee's increased engagement with the administering Powers, particularly the informal dialogues of recent years and the facilitation of United Nations visiting missions to

the Territories, such as the latest one to New Caledonia.

35. Each Territory had different needs and expectations and no single approach could be applied to all of them; but the people of all the Territories must have adequate access to information and education about their political status so that they could take informed decisions regarding their options under General Assembly resolutions 1514 (XV) and 1541 (XV). Good faith and cooperation were essential in building mutual trust to facilitate the process of self-determination.

36. Decolonization required international engagement in development and state-building. The administering Powers had a Charter obligation to promote the well-being of the people for which they were responsible; in providing economic and technical assistance to the Territories, United Nations agencies should cooperate closely with all parties concerned.

37. **Mr. Thornberry** (Peru) said that the United Nations should increase its capacity to remedy the unjust situation of the Non-Self-Governing Territories. The work done by the Special Committee was crucial, as were the endeavours of its members, which had spared no effort to bring about a world in which the principle of self-determination took precedence over all other considerations. Two decisive factors must be brought jointly into play: firm political will and a case-by-case approach to the particular circumstances in each Territory. In every case it was important to keep the progress towards decolonization under constant review, and to have the Special Committee remain in direct contact with the parties involved. The administering Powers must cooperate fully with the Special Committee and do what was needed to accelerate their Territories' decolonization while facilitating their sustained growth. Of particular concern to Peru was the case of the Malvinas Islands, where historical and legal circumstances excluded the possibility of self-determination. The special and particular nature of the situation had been recognized in General Assembly resolutions, and Peru had always supported the Argentine Republic's legitimate sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. As the Special Committee had said on many occasions since 1964, there was no possibility of resolving the matter other than by direct negotiation between the parties involved. Peru



therefore urged Argentina and the United Kingdom to resume negotiations as soon as possible in order to reach a peaceful, constructive and lasting solution to the dispute, in accordance with the relevant resolutions of the United Nations and of the Organization of American States. It also urged them to comply with General Assembly resolution 31/49 and refrain from taking decisions that would result in unilateral modifications in the situation of the Islands.

38. **Mr. Ntwaagae** (Botswana) said it was regrettable that decolonization was still under discussion at the United Nations. His Government supported the right of the people of Western Sahara to choose between independence and integration with Morocco through an open referendum. Despite General Assembly and Security Council resolutions on the matter, a solution had not yet been found. Botswana welcomed the efforts of the Secretary-General and his Personal Envoy for Western Sahara to maintain the dialogue between the parties, which should approach the negotiations in a spirit of tolerance, mutual respect and compromise. It also welcomed the adoption of Security Council resolution 2152 (2014), extending the mandate of MINURSO until 2015.

39. **Mr. Kogda** (Burkina Faso) said that a collective commitment to compromise was required to resolve the situation of the millions still living in Non-Self-Governing Territories. The case of Western Sahara, for example, remained a challenge, for African States in particular. Despite many attempts to settle the dispute, the status quo had prevailed for years and had reached an impasse that the international community must overcome. His delegation welcomed the shuttle diplomacy of the Secretary-General and his Personal Envoy for Western Sahara and urged all concerned to renew their dialogue in a spirit of realism and compromise with a view to a negotiated political settlement. It continued to support the Moroccan proposal to grant autonomy to the Sahara region, which was a credible and constructive alternative for achieving a mutually acceptable solution. The resolution of the dispute was essential to stability throughout the Sahel-Saharan region, which was already facing many security challenges.

40. **Mr. Menan** (Togo) said that peace in Western Sahara could be achieved only through negotiation, and his Government therefore urged the parties to abandon unyielding positions and take a resolutely pragmatic approach to resolving the conflict. Through

its initiative of granting broad autonomy to Western Sahara within a decentralized Kingdom, which represented the middle ground between the parties' expectations and transcended their traditional positions, Morocco had proved its desire to arrive at a peaceful compromise through the United Nations. It had become imperative to settle the conflict in Western Sahara not only because it was hindering the development of regional cooperation by delaying the establishment of the Arab Maghreb Union, but also because the stability and security of the Territory itself was being threatened by the incursions of extremist and terrorist bands from the Sahel. Conversely, Security Council resolution 2152 (2014) had rightly recognized that a political solution in Western Sahara and enhanced cooperation in the Maghreb would contribute to stability and security in the Sahel region. He urged all the parties, but particularly the Governments of Morocco and Algeria, to continue talks with a view to the peaceful resolution of the dispute.

41. **Ms. Sughayar** (Jordan) said that the right of colonized peoples to self-determination and sovereignty extended to sovereignty over their land and resources, including the long-term benefits of the resources, and they were entitled also to protection of their political, economic and social interests. United Nations visiting missions, which were an effective means of assessing the situation in the Non-Self-Governing Territories and helped achieve the aspirations of their peoples, should be dispatched to those Territories which had not yet received them. Cooperation between the territorial Governments, the United Nations and the administering Powers should be intensified, and confidence-building measures should precede a peaceful transfer of power. While welcome political and economic advances had been made in some colonial Territories in the Caribbean and Asia-Pacific regions, further progress was needed in others.

42. She also emphasized the right of the Palestinian people to self-determination and the establishment of an independent, sovereign and viable State on the basis of the pre-1967 borders, with East Jerusalem as its capital. The international community and the United Nations should end the Israeli occupation and the parties should resume negotiations on all final-status issues, including refugees, borders, security and the status of Jerusalem.

43. **Mr. Ndong Mba** (Equatorial Guinea) said that his Government supported dialogue and the prevention and settlement of disputes in the dependent Territories through peaceful means that satisfied the parties involved. Peace and security in turn served the sustainable development of dependent peoples. The long and bitter dispute in Western Sahara had lately been moving towards dialogue and agreement — as evidenced also by the recent consensus resolutions on the question in the Committee — , thanks to a new dynamic that had brought together the parties, the Secretary-General and his Personal Envoy for Western Sahara. Equatorial Guinea welcomed those United Nations efforts to facilitate a viable and realistic solution that was beneficial to both parties to the dispute.

44. The parties as well should give the efforts of the United Nations their full support, offering their cooperation, making political compromises and continuing the current improvements in the human rights situation and the economic and social development in Western Sahara. Both parties were taking welcome steps in that direction, but the positive initiatives by Morocco, in particular, to strengthen national human rights bodies and cooperate with special procedures of the United Nations Human Rights Council, as recognized in Security Council resolutions, should be acknowledged.

45. Not only the parties to the conflict but also the countries of the region and the entire international community must help advance the ongoing search for peace in the Territory, so that once an acceptable outcome was achieved, Western Sahara could look forward to enjoying its own sustainable development under the post-2015 development agenda.

46. **Mr. Bosah** (Nigeria) said that, 53 years after the adoption of General Assembly resolution 1514 (XV), two million people continued to be denied the right to self-determination, while the administering Powers continued to find justifications for evading the international precepts confirming that universal right. Nigeria viewed colonialism as a negation of human values and had therefore campaigned for the independence of several African nations and called for accelerating the granting of independence to Territories under colonial domination.

47. His delegation urged the resumption of negotiations to settle the dispute over the Falkland

Islands (Malvinas) in line with United Nations resolutions, and the exploration of all options to achieve the self-determination of the other Non-Self-Governing Territories on a case-by-case basis.

48. Negotiations on the question of Western Sahara remained deadlocked and the Sahrawis were denied their rightful place among the community of nations. A free and impartial referendum on self-determination for the Sahrawi people was one of the most pressing tasks of the United Nations. Spanish colonization of the Territory, long ended, should not be replaced subsequently by any other form of colonialism. His delegation urged Morocco, with whom it enjoyed cordial relations, to support more intensive negotiations with a view to settling the long-standing dispute in accordance with the principle of self-determination. Given the rising tension in the region, aggravated by problems related to human rights and the exploitation of natural resources in the Territory, such negotiations must start urgently if peace and security in the Maghreb was to be achieved. The laudable efforts of the Personal Envoy of the Secretary-General for Western Sahara should now focus on the strategic deployment of peacekeepers and the effective management of resources in Western Sahara.

49. **Mr. León González** (Cuba) said that the Second Summit of the Community of Latin American and Caribbean States (CELAC), held in January 2014, had highlighted the Latin American and Caribbean character of Puerto Rico and reiterated that it was an issue of interest to CELAC. They would continue working in the framework of international law to free the region of colonialism. The Special Committee, whose recent reinvigoration had allowed it to make significant advances in relations with administering Powers and Territorial representatives, had adopted 33 resolutions and decisions on Puerto Rico. The most recent such resolution recognized the Puerto Rican people's inalienable right to self-determination and independence under General Assembly resolution 1514 (XV) and urged the United States of America to allow them to exercise that right, and to address their urgent economic and social needs. The members of the Non-Aligned Movement had repeatedly called for the release of Óscar López Rivera, the unjustly imprisoned Puerto Rican freedom fighter. Cuba's national hero, José Martí, had founded the Cuban Revolutionary Party to achieve the independence of Cuba and foster

that of Puerto Rico; his Government would continue to pursue that objective at the United Nations.

50. Cuba also unrestrictedly supported the legitimate rights of Argentina in the sovereignty dispute relating to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which were an inseparable part of Argentine territory. A negotiated, just and definitive solution should be found as soon as possible and, in accordance with resolution 31/49 and related statements by various regional forums, the two parties should refrain from making any unilateral changes to the status quo while the negotiation process was under way. Any militarization of the South Atlantic, declared a zone of peace by the United Nations, would only escalate the conflict, create tension in the region and violate resolution 31/49 as well as the regional policy of peaceful settlement of disputes, best stated in the Declaration of Latin America and the Caribbean as a zone of peace adopted at the Second CELAC Summit.

51. Cuba upheld the right to self-determination of the people of Western Sahara and reiterated its support for the efforts of the Secretary-General and his Personal Envoy for Western Sahara to achieve a mutually acceptable political solution, in the context of resolution 1514 (XV), which would foster regional and international peace and security. Despite the brutal economic, commercial and financial blockade imposed by the United States, his Government was committed to solidarity with other peoples and collaborated with the Non-Self-Governing Territories to the best of its ability, for example by enabling hundreds of young Sahrawis to study in Cuba. His delegation urged other Member States to increase such cooperation, which was essential to the economic and social development of the Non-Self-Governing Territories.

52. **Mr. Tatham** (United Kingdom) said that the British Government's relationship with its Overseas Territories was a modern one based on partnership, shared values and the right of the people of each Territory to determine whether it should remain linked to the United Kingdom. Where a Territory chose to remain British, the United Kingdom would maintain and deepen its special relationship with it.

53. His Government had been working closely with its Overseas Territories to further develop its partnerships with them. Since the publication of a policy paper entitled *The Overseas Territories:*

*Security, Success and Sustainability*, it had established an Overseas Territories Joint Ministerial Council, which included the Territory leaders and met annually to review and implement the strategy and commitments set out in the White Paper. In the 2013 communiqué of the Council, the United Kingdom and its Territories had explained the nature of their relationship; welcomed the result of the March 2013 referendum in the Falkland Islands, in which the Falkland Islanders had voted to remain an Overseas Territory, and called on all countries to accept the result of the referendum and support the Falkland Islanders in developing their home and economy; declared their support for the people of Gibraltar and urged the Spanish Government to reduce tensions at the border and within British Gibraltar territorial waters; and expressed their view that the General Assembly should remove Territories that wished, in an exercise of self-determination, to maintain their links with the United Kingdom from the list of Non-Self-Governing Territories.

54. His Government had a fundamental responsibility to ensure the security and good governance of its Overseas Territories and would continue to modernize their Constitutions to give them the highest possible degree of self-government. Territory governments were expected to meet the same high standards as the British Government with regard to maintaining the rule of law, respecting human rights and integrity in public life, delivering efficient public services and building strong and successful communities.

55. Reporting another positive democratic development, the United Kingdom welcomed the elections held in Montserrat in September 2014, the conduct of which had been favourably assessed by an independent international observer mission, and looked forward to maintaining a close partnership with the new Government and supporting its policies. Elections were also scheduled for spring 2015 in Anguilla. His Government, noting the fact that 99.8 percent of the Falkland Islanders had voted to retain their link to Britain in the 2013 referendum, would in turn remain committed to their future development and continued security. The United Kingdom remained committed also to the people of Gibraltar, would not enter into arrangements under which they would pass under the sovereignty of another State against their democratically expressed wishes and would not enter into sovereignty negotiations which they opposed.

*Statements made in exercise of the right of reply*

56. **Mr. Singh** (India) said that the comments made by the representative of Pakistan with reference to Jammu and Kashmir were unwarranted and irrelevant. The people of Jammu and Kashmir had chosen their destiny peacefully, in accordance with universally accepted democratic principles which had allowed them freely to express their wishes and elect their representatives. His Government was prepared to engage in bilateral talks with Pakistan in a peaceful atmosphere free from the shadow of terrorism, but Pakistan must also take responsibility for creating such an atmosphere. By raising the dispute in the General Assembly, Pakistan would derail efforts to resolve the issues between the two countries.

57. **Mr. Munir** (Pakistan) replied that the representative of India had made untenable assertions regarding the Jammu and Kashmir dispute. The Declaration on decolonization stated that peoples under alien subjugation had the right to self-determination; the denial of that right to the people of Jammu and Kashmir for over sixty years was therefore entirely relevant to the Committee's discussions. Jammu and Kashmir was not and never had been an integral part of India. In accordance with several United Nations resolutions, Jammu and Kashmir was a disputed Territory whose final disposition was to be made in accordance with the will of its people. No electoral exercise conducted by India could replace an expression of the people's will through a free and impartial plebiscite conducted under the auspices of the United Nations.

58. In its resolution 91 (1951), the Security Council had denied the authority of the Constituent Assembly established by India in occupied Jammu and Kashmir to decide the Territory's future. Security Council resolution 122 (1957) had reaffirmed that action taken by the Constituent Assembly would not constitute disposition of the Territory in accordance with the people's will. Those resolutions were binding on Pakistan and India but had not been implemented; the people of Jammu and Kashmir had not, therefore, been allowed to exercise their right to self-determination.

59. Pakistan condemned terrorism in all its forms and manifestations and had taken the lead in combating it. The just struggle of the people of Jammu and Kashmir for their inalienable right to self-determination could not be subsumed under the label of terrorism.

60. **Mr. Singh** (India) said that his delegation rejected the uncalled-for remarks made by the representative of Pakistan in his reply.

61. **Mr. Munir** (Pakistan) said that the mere rejection of his delegation's legal arguments did not alter their legality.

62. **Mr. Tatham** (United Kingdom), replying to the statements of Cuba and Peru, said that his Government had no doubt about its sovereignty over the Falkland Islands, based on the principle and the right of self-determination. The United Kingdom, in accordance with its own obligations under the Charter of the United Nations, was clear that the future of the Falkland Islands should be determined by the people of the Falkland Islands. In March 2013, the Falkland Islands Government had held a referendum in which the overwhelming majority of voters — 99.8 per cent — had voted to remain an Overseas Territory of the United Kingdom. The democratically elected representatives of the Falkland Islands had presented the results of that referendum to the Special Committee on decolonization in June 2013, asking it to respect the principle of self-determination, reiterating the historical facts that the Falkland Islands had no indigenous people and that no civilian population had been removed prior to their ancestors' settling on the islands and confirming that they were a legitimate people with a right to have their wishes respected.

63. Claims that the United Kingdom was militarizing the South Atlantic were wholly false. It had maintained a defensive military posture in the South Atlantic since Argentina had illegally invaded and occupied the Falkland Islands in 1982, disregarding a binding United Nations Security Council resolution to withdraw from the Islands. Since then, however, garrison numbers had been reduced to the minimum necessary for the Islands' defence. The United Kingdom's position on nuclear weapons was set out in its letter of 18 October 2012 ([A/67/544](#)).

64. The United Kingdom remained wholly committed to defending the right of the people of the Falkland Islands to determine their own political, social and economic future, and called on Argentina to respect their wishes. South Georgia and the South Sandwich Islands would also remain an Overseas Territory of the United Kingdom.

65. **Mr. Díaz Bartolomé** (Argentina) said that the Malvinas Islands, South Georgia Islands and South

Sandwich Islands and the surrounding maritime areas were an integral part of Argentine territory and that, having been illegally occupied by the United Kingdom, they were the subject of a sovereignty dispute between the two parties, as had been recognized repeatedly by various international organizations and in successive General Assembly resolutions, all of which had urged the two Governments to resume negotiations as soon as possible in order to find a peaceful, lasting solution to the dispute.

66. It was regrettable that the British Government sought to distort historical facts in an attempt to conceal the act of usurpation that it had committed in 1833, which had been the subject of continuing protests by his Government. Instead of denying historical facts that it had already acknowledged, the British Government should immediately resume negotiations. If it did so, it would be acting in the same lawful and responsible manner as it expected, from its privileged position in the United Nations, of the rest of the international community.

67. The question of the Malvinas Islands had been defined as a special and particular colonial situation precisely because it involved a sovereignty dispute, to which the principle of territorial integrity rather than that of self-determination was therefore applicable. In 1985, the General Assembly had confirmed that the principle of self-determination did not apply in the case of the Islands by expressly rejecting two United Kingdom proposals to that effect. It was surprising that the United Kingdom should vaunt the predictable results of its unilateral so-called referendum, which had merely confirmed that the residents of the Islands, who had been implanted by the United Kingdom itself, were British subjects, without altering the colonial nature of the question in any way or ending the sovereignty dispute. Rather, the tautological exercise, which had made the inhabitants of the Islands the arbiters of a sovereignty dispute to which their Government was a party, had seriously undermined the alleged applicability of the principle of self-determination. The illegitimate vote had not been recognized by the United Nations or any other body but had been rejected by many countries and regional forums, including the Southern Common Market (MERCOSUR), the Union of South American Nations (UNASUR) and the Bolivarian Alliance for the Peoples of Our America (ALBA).

68. In response to the false claim by the representative of the United Kingdom that the events of 1982 were the only reason for the large British military presence in South Atlantic, he reminded the Committee of the military actions of 1833, carried out as part of the United Kingdom's nineteenth-century imperialist strategy. No sensible observer of the situation in the area could argue that, since its return to democracy in 1983, Argentina had constituted a threat justifying the current British militarization, which did in fact threaten regional security and had been condemned by regional organizations.

69. Argentina rejected the United Kingdom's continued illicit appropriation of renewable and non-renewable natural resources in the disputed area, as well as the so-called White Paper in all aspects related to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as set out in a formal protest by his Government.

70. **Mr. Tatham** (United Kingdom) said that the United Kingdom did not recognize the account of the situation of the Falkland Islands given by the representative of Argentina.

71. **Mr. Díaz Bartolomé** (Argentina) said that the resumption of bilateral sovereignty negotiations, taking into account the interests of the inhabitants of the Islands, was the only way of resolving the dispute. Argentina reaffirmed its legitimate sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

72. **Mr. Laassel** (Morocco), observing that certain delegations had accused Morocco of obstructing the negotiations on the dispute over the Sahara region, said that his Government's 2007 autonomy initiative had in fact been a response to the Security Council's call for a mutually acceptable political resolution of the impasse resulting from the 2004 declaration by the United Nations that a referendum was not applicable. The Security Council had indicated in all its resolutions on the matter that it considered the initiative serious and credible, while the other parties had not moved from their initial positions. Morocco could not, therefore, be held responsible for obstructing the negotiations.

73. Replying to those delegations which had accused Morocco of illegally pillaging natural resources in its southern provinces, he said that economic, social and cultural development had been virtually non-existent in

the Sahara region when Morocco had recovered it in 1975. Because the area had suffered under colonialism for many years and needed to attain the same level of development as the rest of the country, his Government had embarked on an ambitious sustainable development programme, taking into consideration the interests and socioeconomic demands of local populations. Over a long period of development integration it had built trunk roads, ports, electrical, drinking water and telecommunications systems and all the basic infrastructure needed for health, education, social security and housing.

74. The establishment of the Agency for the Economic and Social Promotion and Development of the Southern Provinces of the Kingdom in March 2002 had made it possible to consolidate efforts to ensure that the Sahara region's economic and social level was on a par with that of the other provinces of Morocco, the aim being to make that region an investment hub and a model of integrated regional development. The Agency studied and proposed development strategies and sought funding for projects with guaranteed socioeconomic impact. Its remit covered 58 per cent of the national territory and many sectors of the economy, including fishing villages, infrastructure, habitat and urban development, agriculture, livestock farming, tourism and handicrafts. No recognized international body had described his Government's exploitation of natural resources as an illegal act. On the contrary, that exploitation complied with international law and took into account the needs and interests of the population, social considerations and the preservation of jobs.

75. In response to those delegations which had criticized the human rights situation in Morocco's southern provinces, he said that cooperation with international human rights mechanisms was conducted in a spirit of openness and partnership. The visits of the High Commissioner for Human Rights and of the technical mission of his Office attested to the positive situation in Morocco, as did the conclusions of Human Rights Council special procedures and the visits planned for 2014, which had been welcomed by the Security Council in its resolutions on the matter. Morocco's Constitution was considered a genuine human rights charter and his Government's strong, credible and independent institutions for the defence of such rights had been recognized by international bodies. In particular, the National Human Rights Council had been recognized as complying with the

Charter of Paris for a New Europe. The Human Rights Council had recognized the reform of the jurisdiction of military tribunals, which had limited their scope and safeguarded fundamental freedoms.

76. **Mr. Gutiérrez Blanco Navarrete** (Spain) said that, under United Nations doctrine regarding the Non-Self-Governing Territories, the principle applicable to the question of Gibraltar was that of territorial integrity rather than self-determination. The continuing relevance of that doctrine had been reaffirmed at the Pacific regional seminar of the Special Committee on decolonization, held in Fiji in May 2014. The dispute could be resolved only through bilateral negotiations between the Governments of Spain and the United Kingdom, taking into account the interests of the people of Gibraltar, as stipulated in the 1984 Brussels Agreement.

77. The current tension in Gibraltar was the result of the local authorities' unilateral and provocative attitude in the face of the passivity of the administering Power. That attitude resulted in inconvenience to citizens in both Gibraltar and Campo de Gibraltar and reflected the need to end the colonial situation. In controlling its border with Gibraltar, Spain was merely complying with its international obligations. It made every effort to avoid inconveniencing citizens on both sides of the line and respected the principles of non-discrimination, proportionality and random selection.

78. Spain had never ceded the waters adjacent to Gibraltar to the United Kingdom and therefore categorically rejected the reference made by the representative of the United Kingdom to illegal incursions by Spanish vessels into British waters, when those vessels were simply carrying out routine activities in Spanish territorial waters. Spain had no doubts about its territorial limits and its vessels would therefore continue to sail in those waters, as they had since time immemorial.

79. On a positive note, the frank and relaxed atmosphere at a forum on international questions, held that day in Madrid and attended by the British Ambassador to Spain and the Spanish authorities, had resulted in hopes of progress in ad hoc local cooperation mechanisms. In the following days, the Spanish and United Kingdom delegations would present a draft consensus decision reflecting progress on the question of Gibraltar.



80. **Mr. Tatham** (United Kingdom) recalled that the United Kingdom had sovereignty over Gibraltar and the territorial waters surrounding it. Gibraltar had been included in the list of Non-Self-Governing Territories since 1946 and therefore 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 safeguard Gibraltar, its people and its economy.

81. 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 was seeking a constructive move to ad hoc talks with the aim of strengthening cooperation on issues of mutual importance through means which fully reflected the interests, rights and responsibilities of the people of Gibraltar. Discussions among the three Governments on the start of the talks were continuing.

82. The United Kingdom denied the allegations of the representative of Spain concerning British Gibraltar territorial waters. Under the United Nations Convention on the Law of the Sea, the State which was sovereign over the land was also sovereign over the territorial waters out to three nautical miles or to the median line. The United Kingdom was therefore assured of its sovereignty over British Gibraltar territorial waters. It would continue to uphold British sovereignty and would use a range of proportionate naval and diplomatic responses to illegal incursions by Spanish State vessels.

83. **Mr. Gutiérrez Blanco Navarrete** (Spain) reiterated the reply made by Spain to the United Kingdom at the Committee's 3rd meeting, adding that under the Treaty of Utrecht, Spain had ceded the port, internal waters, city, castle, defences and fortifications of Gibraltar to the United Kingdom, but not the isthmus, which it considered to be under illegal British occupation. His Government maintained that the Tripartite Forum for Dialogue no longer existed and therefore hoped that ad hoc cooperation between the United Kingdom, Spain and Gibraltar would start in

the near future so that progress in countering smuggling, money-laundering and environmental pollution could be made.

*The meeting rose at 6 p.m.*