



General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples Resumed session

Summary record of the 3rd meeting

Held at Headquarters, New York, on Monday, 13 June 2011, at 10 a.m.

Chairman: Mr. Carrión-Mena (Ecuador)

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The meeting was called to order at 10.25 a.m.

Adoption of the agenda

1. *The agenda was adopted.*
2. **The Chairman** informed the Committee that the delegations of Algeria, Argentina, Brazil, Colombia, Guatemala, Spain and Uruguay had indicated their wish to participate in the substantive session of the Committee during 2011.

Requests for hearing (Aides-memoires 02/11, 03/11, 04/11, 05/11, 06/11, 07/11 and 08/11)

3. **The Chairman** drew attention to aides-memoires 02/11, 03/11, 04/11, 05/11, 06/11, 07/11 and 08/11 relating to the questions of Gibraltar, Guam, New Caledonia, Turks and Caicos Islands, Western Sahara and the Falkland Islands (Malvinas), and the Special Committee decision of 15 June 2009 concerning Puerto Rico, respectively, and to the various communications attached thereto, which contained 20 requests for hearing.
4. **Mr. Núñez Mosquera** (Cuba), while acceding to all the requests for hearing, said that, in the case of Puerto Rico, his delegation was working on a draft resolution which would be introduced subsequently. However, as one petitioner had used his intervention to attack Cuba, he requested the Secretariat to make it abundantly clear to petitioners that they should stick to the topic on the agenda.
5. **The Chairman** said he took it that the Committee wished to accede to the 20 requests for hearing.
6. *It was so decided.*

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (A/AC.109/2011/L.3 and A/66/65)

7. **The Chairman** drew the Committee's attention to the report of the Secretary-General (A/66/65), which contained information provided by the administering powers called for under Article 73 e of the Charter of the United Nations, as well as to draft resolution A/AC.109/2011/L.3.

Draft resolution A/AC.109/2011/L.3

8. *Draft resolution A/AC.109/2011/L.3 was adopted.*

Question of the dissemination of information on decolonization (A/AC.109/2011/17 and A/AC.109/2011/L.4)

9. **Ms. Novicki** (Chief, Communications Services, Department of Public Information), introducing the report of the Secretary-General on the dissemination of information on decolonization during the period from April 2010 to March 2011 (A/AC.109/2011/17), said that, during the reporting period, the Department of Public Information had participated in the commemoration of the fiftieth anniversary of the adoption, on 14 December 1960, of General Assembly resolution 1514 (XV) on the Declaration on the Granting of Independence to Colonial Countries and Peoples. As part of that event, it had issued a press kit; screened documentary video footage related to General Assembly sessions on decolonization during the 1960s; and displayed a slide in the public tour area on the Organization's role in decolonization.

10. With regard to outreach activities, the Department had issued 43 press releases on decolonization covering meetings, statements and hearings by various United Nations bodies; provided television and radio coverage of decolonization activities; updated and reprinted maps to make them as user-friendly as possible; and highlighted the issue of decolonization in two of its publications, namely volume 61 (2007) of the *Yearbook of the United Nations* and in *Basic Facts about the United Nations*. It had also deployed a press officer to cover the 2011 Caribbean regional seminar held in Saint Vincent and the Grenadines from 31 May to 2 June 2011 and, in cooperation with the Department of Political Affairs, had revamped the United Nations decolonization website.

11. **Ms. Vaccari** (Chief, Decolonization Unit, Department of Political Affairs) said that the Decolonization Unit of the Department of Political Affairs had worked closely with the Department of Public Information to update the United Nations website on decolonization in the six official languages, thus expanding the Committee's outreach, to the benefit of the peoples of the Non-Self-Governing Territories. The Unit would be striving to use its limited resources in creative ways to make the website an educational tool, particularly on self-determination and decolonization options, which had been highlighted at the Committee's recent Caribbean regional seminar. The Unit would also be updating

existing publications on the basis of the Committee's directives.

12. The Unit's considerable efforts to prepare the annual working papers on each of the Non-Self-Governing Territories had included a push to make them more readable and less redundant. While information from administering Powers under Article 73 *e* of the Charter served as the basis for updating the working papers, increased contact between the Committee and the Territories, including with civil society organizations, would further enhance the quality of the content. The Unit had also organized the Committee's annual Pacific and Caribbean regional seminars, a unique forum for the exchange of views among representatives of the Territories, civil society, United Nations agencies, regional organizations, administering Powers and the Committee. The Unit would continue to encourage civil society and the United Nations system to engage with the Committee.

13. The most recent Caribbean regional seminar had served as an occasion to showcase the work of the Committee through visual and informational materials which had also been on display at the General Assembly commemoration of the fiftieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Other efforts by the Unit to promote information-sharing about decolonization matters included informal contact with individual experts, academics and non-governmental organizations, and public outreach through United Nations publications.

14. **Mr. Aisi** (Papua New Guinea) said that both of the reports presented had highlighted the importance of informing the world at large about the work of the Committee, and Non-Self-Governing Territories about how they could achieve the Committee's mandate. He commended the Secretariat staff on the high quality of the information available on the Committee's website.

Draft resolution A/AC.109/2011/L.4

15. *Draft resolution A/AC.109/2011/L.4 was adopted.*

Question of sending visiting missions to Territories
(A/AC.109/2011/L.5)

Draft resolution A/AC.109/2011/L.5

16. *Draft resolution A/AC.109/2011/L.5 was adopted.*

Question of Gibraltar (A/AC.109/2011/13)

17. **Mr. de Laiglesia** (Observer for Spain) said that the need for progress on decolonization had been emphasized at the Caribbean regional seminar, with the representative of the Secretary-General calling on the Committee to increase its dialogue with all relevant parties. During the seminar, it had become clear that, while change could be achieved quickly for some Territories under consideration, sovereignty disputes complicated progress in other cases. Above all, participants had called for new ideas in order to carry out the mandate of the United Nations. His Government was in agreement with those conclusions, which reflected the two basic concepts that should inform the activities of the Third International Decade for the Eradication of Colonialism: the need to consider situations on a case-by-case basis, proposing pragmatic solutions, as needed; and the importance of upholding the mandate of the United Nations as the primary framework for action.

18. The Committee must consider the level of autonomy achieved by colonized territories on a case-by-case basis. Where a territory was found to be governing itself responsibly and independently, it would be appropriate to question its political subordination to an administering Power. His Government therefore agreed with the Chairman that where a sovereignty dispute did not exist, the views of the population should be a determining factor in the decolonization process. The administering Powers and the residents of such territories must initiate a dialogue aimed at transforming colonial ties without delay, in line with the criteria set out by the United Nations.

19. In other cases, however, it was the residents of a Territory themselves who, their economic stability being guaranteed, forwent their political independence. Those cases of "colonialism by consent" continued without regard for the Committee's criteria. Such a situation was especially problematic when it occurred at the expense of the legitimate rights of a third party, as was the case in Gibraltar. The United Nations had recognized that that colonial situation undermined the territorial integrity of Spain, and the administering Power itself had acknowledged that the independence of its colony, against the will of Spain, was not a possibility. Those two factors alone were sufficient reason to demand a realistic solution. It was unrealistic to believe that the Spanish Government would accept the continuation of the present situation, with the

administering Power and the colony ignoring the legitimate rights of Spain, which were protected under the Treaty of Utrecht and United Nations doctrine.

20. The Committee should be guided by the mandate of the United Nations. In the case of Gibraltar, the General Assembly had been urging the United Kingdom and Spain to reach a solution through dialogue and the Brussels Process for more than three decades, adopting a decision to that effect every year. Spain called for the resumption of the bilateral dialogue with the United Kingdom, which, through no fault of the Spanish Government, had lapsed for years. Experience had demonstrated that both countries would be able to propose creative ways to resolve their differences, taking into account the interests of the residents of the colony. His Government's offer was sincere and had been communicated to the authorities of the United Kingdom many times.

21. Despite the stalling of the Brussels Process, Spain continued to cooperate with the United Kingdom and the Government of Gibraltar within the separate framework of the Forum for Dialogue on Gibraltar, with the goal of creating a constructive atmosphere of mutual trust that would benefit Gibraltar and the region as a whole, particularly the Campo de Gibraltar. However, progress on the Forum process was being hindered by the Gibraltar local government's insistence on addressing sovereignty issues that were within the exclusive competence of the United Kingdom and Spain. Issues of sovereignty and jurisdiction must be resolved through bilateral negotiations between the two Governments, as called for by the mandate of the United Nations, which was based on the work of the Special Committee. He therefore urged the Committee not to remove from the list of Non-Self-Governing Territories any Territories that had not been decolonized pursuant to its own criteria.

Hearing of representatives of the Non-Self-Governing Territory

22. *At the invitation of the Chairman, Mr. Picardo (Leader of the Opposition, Gibraltar), took a seat at the petitioners' table.*

23. **Mr. Picardo** (Leader of the Opposition, Gibraltar) said that the people of Gibraltar were determined to fight to be de-listed as a colony of the United Kingdom, and in that fight, never to pass under the yolk of Spanish colonialism in the future. In view of the great strides made towards self-government, the

younger generations in Gibraltar were all the more firm in that conviction. The continuing work of the Committee was therefore encouraging, as the Committee could protect the remaining colonized territories from administering Powers that sought to exercise residual control over them, and from States that sought to suffocate the emancipation of such territories. Such an attempt was evident in Gibraltar, where the Spanish State continued its unconscionable efforts to colonize the country on the basis of defunct doctrines from the eighteenth century. Colonial territories could not be handed over from one monarch to another, without regard for the wishes of their residents. That was the basis for the principle of self-determination, which the Committee had been created to uphold.

24. Spain's claim to the sovereignty of Gibraltar had no standing and was not an issue under the purview of the Committee. The otherwise democratic Spanish Government appeared to forget the concept of democracy in its relations with Gibraltar. The statement delivered by the delegation of Spain, which had referred to Gibraltarians as "happy colonials", was an example of the Spanish Government's constant pronouncements of its dominion over the territory, in contradiction of the Charter of the United Nations, the Committee's guiding principles and the very eighteenth-century treaty by which Spain had ceded Gibraltar to the administering Power in perpetuity, and which Spain invoked to deny the people of Gibraltar even a territorial sea. It was inconceivable that, in the twenty-first century, the Minister for Foreign Affairs of Spain had recently declared in her Parliament that her Government aimed to recover its sovereignty over Gibraltar, making no mention of the rights of Gibraltarians, or of the concept of self-determination, or the work of the Committee.

25. The Committee's terms of reference covered only the relationship between the administering Power and the colonial people. However, in the interest of good-neighbourly relations, he called on the Spanish Government to recognize his people's rights and to drop its claim on Gibraltar. Many would think that that demand was unrealistic, but it was actually the only way forward. As a modern democracy, the Government of Spain must recognize that decolonization could only occur when Gibraltar achieved the highest level of self-government through the exercise of self-determination, which would result in its removal from the list of Non-

Self-Governing Territories. It was naive to believe otherwise. The people of Gibraltar would never give up a millimetre of their territory, and there would be no softening of that position.

26. In adopting the 2006 Constitution by referendum, the people of Gibraltar had taken steps towards decolonization, with the British crown remaining as the embodiment of their sovereignty. The only issue relevant to the Committee was the question of whether the people of Gibraltar had attained the fullest possible measure of self-government, in their particular circumstances, as provided by the Constitution. The Committee had received a copy of the Constitution but had not responded. He called on the Committee to express its view as to whether the Constitution provided a sufficient level of self-government in order for Gibraltar to be de-listed. No other doctrine needed to be applied in its consideration of the situation, pursuant to General Assembly resolutions 1514 (XV) and 1541 (XV). Those resolutions did not discriminate against Territories where a so-called “sovereignty dispute” existed. That issue had plagued the Caribbean regional seminar and had infected the statement by the delegation of Spain. Any reference to such a distinction was an attempt to rewrite the resolutions in order to assist predatory States in their pursuit of listed Territories. Furthermore, should the Committee incorporate any such distinction into its doctrine, it would be failing the peoples of the listed Territories in an act of treachery that would be unprecedented in international law. He was certain that the Committee would therefore reject outright the blatant attempt by the Kingdom of Spain to deny the people of Gibraltar their rights.

27. In his opening statement to the Committee, the Secretary-General had affirmed that there was no exception to the principle of self-determination under any circumstances, whether in instances of sovereignty disputes or otherwise. He had also stated that the decolonization process involved first and foremost, the Special Committee, the administering Powers and the peoples in the colonized Territories. There was no room in that proposition for a State seeking to usurp the sovereignty of a Territory emerging from colonialism.

28. As the Spanish Government intensified its efforts to take over Gibraltar, his people looked to the Committee to show the world that the rights of colonial people were more important than the rights of nations

that intended to colonize them again. That was what the resolutions on decolonization provided for by making no distinction between Territories where there were alleged “sovereignty disputes” between nations and other Non-Self-Governing Territories. He was confident that the Committee would uphold that position. He extended an invitation to the Chairman to visit Gibraltar and affirmed his Government’s support for the work of the Committee.

29. *Mr. Picardo withdrew.*

30. **The Chairman** suggested that the Committee should continue its consideration of the question of Gibraltar at its next session, subject to any directives to be given by the General Assembly at its sixty-sixth session.

31. *It was so decided.*

Question of Western Sahara (A/AC.109/2011/1)

32. **Ms. Hernández Toledano** (Cuba) said that the people of Western Sahara had the exclusive right to choose its political future without being subject to pressure or conditions of any kind. The Committee had a central role to play in resolving the question of Western Sahara, one of several decolonization questions addressed in General Assembly resolution 1514 (XV).

33. Despite its modest resources, Cuba had contributed to the development of the Sahrawi people in the area of education; over 400 Sahrawi students were currently enrolled in Cuban educational institutions.

34. Cuba would continue to promote ongoing negotiations and related efforts to achieve a just and lasting solution to the question of Western Sahara, in accordance with United Nations resolutions. The Sahrawi people would always be ready to rely on Cuban solidarity with its struggle to exercise its legitimate right to self-determination.

Hearing of representatives of the Non-Self-Governing Territory

35. *At the invitation of the Chairman, Mr. Boukhari (Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario)) took a place at the petitioners’ table.*

36. **Mr. Boukhari** (Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario))

said that his country had been colonized by Spain in 1884 and that its decolonization process had begun in 1975, when the International Court of Justice had declared that no neighbouring country had ever exercised territorial sovereignty over Western Sahara and an investigative commission sent by the Committee had concurred. However, the illegal Madrid Agreement, concluded in secret by Spain as administering Power with Morocco and Mauritania, under which the two neighbouring countries were to invade and occupy Western Sahara, dividing between them its people, territory and resources, had complicated the decolonization process by forcing the Sahrawi people to fight the new colonizers. While Mauritania had withdrawn and signed a peace treaty with the Frente Polisario, Morocco had extended its military occupation to the territory relinquished by Mauritania and had only agreed in 1990 to the settlement plan adopted by the Security Council that same year. That Plan had called for a referendum on self-determination which, 20 years on, had still not been held, opposed by Morocco on the pretence of its sovereignty over Western Sahara, a claim that the Committee, the United Nations and the African Union all rejected.

37. Since 2007, Morocco had proposed autonomy for Western Sahara in the context of Moroccan sovereignty, ruling out the possibility of independence for the territory and thus negating the principle of self-determination set forth in General Assembly resolutions 1514 (XV) and 1541 (XV). The new Personal Envoy of the Secretary-General for Western Sahara had been unable to induce Morocco to cooperate in bringing about a transparent and honest resolution to the decolonization process in Western Sahara. The seventh round of negotiations with Morocco, held that June under the auspices of the Personal Envoy, had failed to overcome the decades-old stalemate. Meanwhile, Morocco took the Organization's inaction as license to continue to exploit his country's resources illegally and violate the human rights of the Sahrawi people in full view of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

38. In that context, the Committee could not avoid its responsibility to use the institutional and legal mechanisms at its disposal to become more visibly involved in the decolonization process in Western Sahara, the last remaining African colony. At any rate,

the Sahrawi people would persevere in its struggle to exercise self-determination and gain independence, and remained confident that the Committee and the international community would support its efforts.

The meeting rose at 12 p.m.