



# 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

### Summary record of the 9th meeting

Held at Headquarters, New York, on Friday, 21 June 2013, at 10 a.m.

*Chair:* Mr. Morejón . . . . . (Ecuador)

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*The meeting was called to order at 10.10 a.m.*

## **Adoption of the agenda**

1. *The agenda was adopted.*

## **Question of the Falkland Islands (Malvinas)**

*(continued)* (A/AC.109/2013/14; A/AC.109/2013/L.7)

2. **Mr. Cancela** (Observer for Uruguay), speaking as the President pro tempore of the Southern Common Market (MERCOSUR), read out an excerpt from the special declaration on the question of the Malvinas Islands of 7 December 2012 (A/67/729, annex), in which the Presidents of the MERCOSUR States parties and associated States reiterated their strong support for the legitimate rights of the Argentine Republic concerning sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. He also quoted from their joint communiqué of 29 June 2012, in which they reaffirmed that the adoption of unilateral measures was incompatible with the relevant United Nations resolutions and that there was a regional interest in reaching a solution as soon as possible. The text also emphasized that the British military presence in the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas was contrary to General Assembly resolution 31/49 and to the region's policy of seeking a peaceful solution to the sovereignty dispute. It further noted that the MERCOSUR countries and associated States undertook, within the framework of the international agreements in force, to exchange information concerning any vessels or marine structures travelling to the Malvinas Islands, South Georgia Islands and South Sandwich Islands with cargo to be used for illegal hydrocarbon and/or mining activities on the Argentine continental shelf and to adopt all appropriate regulatory measures to prevent the entry into their ports of vessels flying the illegal flag of the Malvinas Islands.

3. MERCOSUR and its associated States supported the mission of good offices entrusted to the Secretary-General by the General Assembly. His delegation expressed once again the hope that Argentina and the United Kingdom would resume negotiations as soon as possible.

4. **Ms. Martínez Lievano** (Observer for Mexico), reiterating her country's endorsement of the

declarations made in regional forums such as the Community of Latin American and Caribbean States (CELAC), the Ibero-American Summit and the Organization of American States (OAS), said that it was essential for the two nations concerned, which shared common values, cooperation and ties of various kinds, to find as soon as possible a peaceful and definitive solution to the sovereignty dispute.

5. **Mr. Escalante Hasbún** (Observer for El Salvador), reiterating that the question of the Malvinas Islands was a priority issue that was gaining attention in regional and multilateral forums, highlighted Argentina's willingness to cooperate in efforts to resume dialogue and negotiation to find a peaceful solution to the dispute. Despite the strong political and trade relations between Argentina and the United Kingdom and their cooperation on key international issues, they had not resumed negotiations on the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as called for in many resolutions of the United Nations and other international and regional bodies. Such a dialogue must be rooted in international law and the principle of territorial integrity, which was supported by the geographical, legal and historical features of the archipelago. The arguments put forth by the United Kingdom to justify its presence represented a unilateral interpretation of the situation which did not reflect the fact that it involved a sovereignty dispute, as recognized in many resolutions of the General Assembly and other organizations.

6. With regard to the recent referendum in the Malvinas, invoking the principle of self-determination to the detriment of the principle of territorial integrity was inconsistent with the Charter of the United Nations and with General Assembly resolution 1514 (XV). El Salvador therefore called on the United Kingdom and the Argentine Republic to resume negotiations in order to find as soon as possible a just, peaceful and definitive solution to the sovereignty dispute.

7. **Ms. Rengifo** (Observer for Colombia) said that the special and particular colonial situation of the Malvinas was of interest not only to her country, but to the wider region. Colombia reiterated its support for the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as expressed in a number of regional forums, including the OAS General

Assembly. Noting that it was in the region's interest for the two Governments to resume negotiations to find as soon as possible a just, peaceful and definitive solution to the dispute, she said her delegation regretted that despite the time elapsed since the adoption of General Assembly resolution 2065 (XX) and subsequent resolutions, the dispute remained unresolved. Her delegation reiterated the importance of compliance with General Assembly resolution 31/49, which called upon the two parties to refrain from introducing unilateral modifications in the situation, and reaffirmed its support for the good offices of the Secretary-General.

8. **Mr. Santa Rosa** (Observer for Angola) said that priority should be given to constructive dialogue between the parties in order to find a peaceful solution to the sovereignty dispute over the Malvinas Islands. Angola reaffirmed the principle of preserving peace and ensuring that the Malvinas remained free of armed conflict and excessive militarization, in line with the Montevideo Declaration adopted in January 2013 at the seventh Ministerial Meeting of the Zone of Peace and Cooperation of the South Atlantic, which called for the resumption of negotiations between Argentina and the United Kingdom pursuant to the relevant General Assembly resolutions. Angola welcomed the adoption of draft resolution A/AC.109/2013/L.7 and encouraged the parties to engage in a process of negotiation with strengthened mutual trust to achieve peace in the region.

9. **Mr. Sarufa** (Papua New Guinea) said that his delegation had joined the consensus on draft resolution A/AC.109/2013/L.7 because the text reflected the need for negotiations between the parties, recognized the rights of the Falkland Islanders and provided for the role of the good offices of the Secretary-General. However, the Committee's yearly adoption of such draft resolutions was not helping the process. Recalling the draft resolution on visiting and special missions (A/AC.109/2013/L.5), he suggested that the Committee should consider the invitation extended by the Falkland Islanders to visit the Territory so that members could investigate the situation first-hand. The Committee should at least discuss the possibility of visiting the Falkland Islands (Malvinas) and other Non-Self-Governing Territories.

**Question of Tokelau** (A/AC.109/2013/2; A/AC.109/2013/L.15)

*Hearing of representatives of the  
Non-Self-Governing Territory*

10. **The Chair** said that, in line with the Committee's usual practice, representatives of the Non-Self-Governing Territory would be invited to address the Committee and would withdraw after making their statements.

11. **Mr. Lui** (Ulu-o-Tokelau), titular head of the Territory, said that Tokelau sought the Committee's support for full engagement, with the support of the administering Powers, between Non-Self-Governing Territories and United Nations bodies such as the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Global Environment Facility (GEF) with regard to issues of climate change, renewable energy and sustainable development.

12. Tokelau was currently in the third year of a five-year national strategic plan for building a healthy community with equal opportunities for all. The four pillars of the plan were governance, infrastructure development, human development and sustainable development.

13. In 2008, New Zealand and Tokelau had agreed that additional referendums on the Territory's political status should not be held in the near future. Work was ongoing to develop a government structure that fit the culture of Tokelau and the contemporary situation. The 2008 agreement emphasized infrastructure development and enhanced delivery of health, education and village development services.

14. The infrastructure pillar of the strategic plan was steadily being implemented. As part of a renewable energy project, some 4,000 solar panels had been installed in all three villages. New Zealand had supported the project, which had been initiated by Tokelau, with an advance of 7 million New Zealand dollars from a future allocation for the Territory. All electricity needs in Tokelau were met through solar power, and Tokelau was working closely with development partners to achieve 100 per cent renewable energy. In addition, a new school and a new hospital were nearing completion; a second new school would be completed somewhat later, owing to the inclusion of a larger community water tank under the building.

15. Climate change had already had an impact on Tokelau, which consisted of three low-lying atolls that were susceptible to storm surges and rising sea levels. There had already been significant coastal erosion and ocean acidification, which were having an overwhelming impact on the lives of the people of Tokelau. The Territory stood to lose not only its unique environment and land, but also its culture, language and traditions. Tokelau had not had an opportunity to articulate its position on the matter in the Conference of the Parties to the United Nations Framework Convention on Climate Change.

16. Acquisition of a suitable ship was the top infrastructure priority. While a vessel was being chartered to address shipping needs in the short term, Tokelau and New Zealand had agreed that for the long term Tokelau would need a new vessel, air service, inter-atoll service and bulk supply services. The new vessel must be able to carry passengers, bulk supplies and hazardous goods and adhere to requirements under the International Convention for the Safety of Life at Sea.

17. The governance, human development and sustainable development pillars of the strategic plan remained a challenge. Tokelau sought to cooperate with other development partners, including United Nations agencies, in addition to New Zealand. However, it was ineligible for many of the United Nations funds available under development programmes for small island developing States.

18. Tokelau had a Constitution, a national anthem and a flag. The Queen of the Realm of New Zealand had recently approved the national symbol of Tokelau. A Tokelau translation of the New Testament had been printed in 2009, and work was continuing on a translation of the Old Testament.

19. Village constitutional consultations had just been completed on government structures and functions, the traditional role of the *Kauhauatea* (senior elders) in the parliamentary system, the introduction of a national election system, the tenure and appointment of the *Ulu-o-Tokelau*, the composition of the cabinet or council and a new approach to members of the General Fono (parliament). In the coming weeks, the views expressed in those consultations would be submitted to the Constitution Committee and recommendations would be submitted to the General Fono. The discussions of those bodies would inform the devolution review

report, which contained recommendations for the improvement of public service delivery following the devolution of functions from the national to the village level in 2004.

20. Tokelau's political status should not hamper its access to opportunities to address the development needs of its people. Tokelau was very aware of its inalienable right to self-determination and aspired to achieve self-government at some point in the future.

21. **Mr. Kings** (Administrator of Tokelau) said that since 2008, the relationship between New Zealand and Tokelau had focused on addressing the core requirements of the three atoll populations, following the decision by the leaders of Tokelau and New Zealand to allow an appreciable period of time to elapse before Tokelau undertook any further act of self-determination. That decision had followed self-determination referendums in 2006 and 2007 in which Tokelauans had indicated that the timing and conditions were not yet right for constitutional change. Much remained to be accomplished by Tokelau to ensure the delivery of core services to the people of all three atolls. That was a challenge, given the small population, skill shortage and relative lack of resources.

22. In 2012, a two-year contract had been signed for shipping charter service between Samoa and Tokelau, a significant step towards safe and secure transport for Tokelau. A tender had been issued in early 2013 for a new vessel to service the route, and contract negotiations for completion of the design of the vessel were in their final stage.

23. The 2011 Joint Commitment for Development set out what New Zealand and Tokelau had committed to do to achieve Tokelau's vision of development. New Zealand was the Territory's largest bilateral donor, supplying some 75 per cent of its budget. The United Nations Development Programme (UNDP) and the World Health Organization (WHO) were also important donors.

24. Through the efforts of Tokelau fisheries officials, fishing revenues to Tokelau had risen significantly during the current financial year. The Administrator had assumed responsibility for managing Tokelau's exclusive economic zone.

25. Tokelau and New Zealand maintained a strong, complex and developing relationship marked by

mutual respect. The administering Power would continue to work closely with the Ulu-o-Tokelau on the way forward, in line with the wishes of Tokelau's people, and appreciated the Committee's ongoing interest in the matter.

*Draft resolution A/AC.109/2013/L.15: Question of Tokelau*

26. **Mr. Sarufa** (Papua New Guinea), introducing the draft resolution on behalf of his country and Fiji, said that the text reflected developments since 2012 by highlighting the efforts to convene further consultations on the devolution of power to the three village councils, the completion of the initial phase of the Tokelau Renewable Energy Project and a new shipping charter service, and Tokelau's need to gain access to resources from development partners, including the Global Environment Facility and the International Renewable Energy Agency, and to benefit from association with the Alliance of Small Island States.

27. *Draft resolution A/AC.109/2013/L.15 was adopted.*

**Question of New Caledonia** (*continued*)  
(A/AC.109/2013/16; A/AC.109/2013/L.12)

*Draft resolution A/AC.109/2013/L.12: Question of New Caledonia*

28. **Mr. Sarufa** (Papua New Guinea), introducing the draft resolution on behalf of his country and Fiji, said that while significant progress had been made since the conclusion of the Nouméa Accord, much more remained to be done before 2018, by which time the people of New Caledonia would have exercised, through a referendum, their right to decide their future status.

29. Since the adoption of the Committee's previous draft resolution on New Caledonia, the tenth meeting of the Committee of Signatories of the Nouméa Accord had been convened. The current draft resolution highlighted the actions taken at that meeting, including steps towards defining options for the institutional future of New Caledonia; a call for greater support from the administering Power, especially in relation to security problems; and the establishment of a working group to assess progress under the Nouméa Accord.

30. The draft resolution also outlined a number of welcome developments, including the appointment of an ethnic Kanak to the Embassy of France in New Zealand, the decision of the Melanesian Spearhead Group to appoint the Front de libération nationale kanak socialiste (FLNKS) as its next Chair and the opening in February 2013 of an FLNKS unit at the Group's headquarters in Vanuatu.

31. The draft resolution referred to the important information provided, at the Committee's 2013 Caribbean regional seminar, on preparations for the referendum on self-determination to be held between 2014 and 2018. There were, however, challenges related to procedural matters and training needs in connection with the electoral review process. Those issues should be resolved amicably by all the parties concerned, including the administering Power.

32. *Draft resolution A/AC.109/2013/L.12 was adopted.*

**Question of French Polynesia** (A/AC.109/2013/L.16)

33. **The Chair** recalled that, by its resolution 67/265 of 17 May 2013, the General Assembly had recognized French Polynesia as a Non-Self-Governing Territory and had requested the Committee to consider the question. He then drew attention to aide-memoire 9/13, which contained a request for hearing. He took it that the Committee wished to accede to that request.

34. *It was so decided.*

*Hearing of petitioners*

35. **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 would withdraw after making their statements.

36. **Mr. Tuheiva** (Union pour la démocratie) said that he welcomed the reinstatement of French Polynesia on the list of Non-Self-Governing Territories and the renewed international oversight of the self-determination process for the Ma'ohi people of French Polynesia. The implementation of General Assembly resolutions calling for cooperation between the Committee and various United Nations human rights bodies would be most useful, as would the convening, in conjunction with the Committee, of an expert group meeting on decolonization of the Pacific region, as recommended in a recent study submitted to the

United Nations Permanent Forum on Indigenous Issues.

37. With respect to the self-determination process under way in New Caledonia, he recalled that the Nouméa Accord set realistic voter eligibility criteria for the forthcoming referendum. A requisite residency period of 20 years had been approved by the French Government and Parliament in 1999 and had been upheld by the European Court of Human Rights in 2005. Similar eligibility criteria should be employed for the self-determination process in French Polynesia, in order to ensure that it was fair, equitable and genuine and was not unduly influenced by the participation of recent settlers who had long exercised the right to self-determination in Europe. Under current French law, any French citizen was qualified to vote in and even to stand for local elections in French Polynesia upon arrival in the Territory, and any European Union citizen officially residing in France was qualified to vote after six months' residency in the Territory. Those laws applied to all elections in French Polynesia but were clearly inconsistent with General Assembly resolution 35/118 in the case of a self-determination referendum.

38. The inclusion of settlers in the self-determination process was based on the revised French Constitution of 2003, which effectively downgraded the status of the peoples of all the French overseas territories to "populations". The peoples of those territories had not been consulted about that change. Furthermore, the General Assembly mandate on the decolonization of French Polynesia could only be achieved through an authentic pre-referendum political education programme on the implications of each legitimate political status option, with direct support from the United Nations throughout the process, as had been provided to other Territories such as Tokelau.

39. The only provision of the French Constitution that covered the issue of referendums (article 53, paragraph 3) was vague and subject to the unilateral authority of the administering Power. There was a lack of clear operational guidelines on a number of issues, including the question of who had the authority to initiate, draft, monitor and coordinate a referendum, to determine guidelines for its conduct and to approve and subsequently implement the results thereof.

40. The recently elected territorial authorities were advocating the expeditious organization by France of a

referendum on independence. Those efforts were aimed at retaining the colonial status quo, as no provision was being made for proper voter eligibility criteria. That was an unacceptably distorted process and was radically inconsistent with the established and internationally recognized precedents set in the self-determination process of New Caledonia.

41. The international community currently had the opportunity to examine comprehensively the power relationship between the Non-Self-Governing Territory and the administering Power. Recently concluded independent assessments, which would be made available to the Committee, confirmed that French Polynesia had not achieved a full measure of self-government; the so-called autonomous status of the Territory was not in line with the self-governance indicators reflected in numerous General Assembly resolutions.

42. A number of measures were thus prerequisites for a self-determination referendum, including, but not limited to, the creation and implementation of Polynesian citizenship and the establishment of reasonable voter eligibility criteria; reform of the electoral system to address the disproportionate distribution of seats in the territorial Assembly; United Nations assessment of the health and environmental consequences of French nuclear testing in the Territory, with a fair, effective and equitable system for compensating victims; devolution of power to enable the Territory to own, control and dispose of natural resources, including marine resources, and to control immigration; adoption of a new territorial law to give priority to the local labour force; revision of the current land tenure system; full legal recognition of Tahitian as an official language; and revision of the current code of communes in line with geographical, demographic and financial constraints.

43. **Mr. Cousiño** (Chile) said that the role of the United Nations Permanent Forum on Indigenous Issues should not be confused with that of the Committee. Chile totally rejected recent attempts to combine the issues addressed by those separate and different bodies. His delegation had objected to the study on decolonization of the Pacific region (E/C.19/2013/12) submitted to the Permanent Forum, as it contained inaccurate information with regard to Easter Island (Rapa Nui). His delegation was of the view that compensation was a bilateral matter that should be taken up between the Territory and the administering

Power during negotiations on political status. Lastly, he concurred with the petitioner that the local government in French Polynesia had very little power; in fact, it had even less autonomy than any given municipality in Chile. He therefore fully agreed that the Territory's political relationship with the administering Power was in need of reform.

*Draft resolution A/AC.109/2013/L.16: Question of French Polynesia*

44. *Draft resolution A/AC.109/2013/L.16 was adopted.*

#### **Report of the Caribbean regional seminar (A/AC.109/2013/CRP.1)**

45. **The Chair** drew attention to a conference room paper containing the report of the Caribbean regional seminar held in Quito from 28 to 30 May 2013 (A/AC.109/2013/CRP.1), a copy of which had been circulated in advance of the meeting. He took it that the Committee wished to adopt the report and annex it to its report to the sixty-eighth session of the General Assembly.

46. *It was so decided.*

#### **Report of the Special Committee on decisions concerning organizational matters (A/AC.109/2013/L.14)**

47. **The Chair** drew attention to the report, which followed essentially the same pattern as the reports of previous years, with minor technical updates. He took it that the Committee wished to adopt the report.

48. *It was so decided.*

#### **Organization of work**

49. **The Chair** suggested that, in order to facilitate the timely submission of the Committee's report to the sixty-eighth session of the General Assembly, and in accordance with established practice, the Committee should authorize the Rapporteur to submit the report directly to the Assembly.

50. *It was so decided.*

#### **Closure of the session**

51. **The Chair** reviewed the work accomplished by the Committee at its 2013 session, including the

consideration and adoption of a draft resolution on French Polynesia pursuant to the General Assembly's historic decision recognizing it as a Non-Self-Governing Territory. He would work to address concerns such as the need to support, based on a case-by-case analysis, the access of Non-Self-Governing Territories to bodies such as those serving small island developing States. He also intended to take steps to ensure that the specialized agencies and other bodies of the United Nations system became more involved in the work of the Committee. In addition, he would enhance cooperation and dialogue with administering Powers to advance the process of decolonization, taking each Territory's current realities into account. He would follow up on issues raised at the Caribbean regional seminar through informal, wide-ranging consultations on specific topics; such an approach would give new impetus to the work of the Committee. After the customary expression of thanks to the Committee members and Secretariat staff, he declared the session closed.

*The meeting rose at 11.50 a.m.*