



General Assembly

Distr.: General
6 August 2014

Original: English

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 3rd meeting

Held at Headquarters, New York, on Monday, 16 June 2014, at 10 a.m.

Chair: Mr. Lasso Mendoza (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 Chair** reminded the Committee that the delegations of Argentina, Brazil, Costa Rica, Ghana, Guatemala, Italy, Jamaica, Mexico, Montenegro, Panama, Solomon Islands, Spain, Suriname, Turkey, Uganda and Uruguay had indicated their wish to participate in the Committee's 2014 session.

Requests for hearing (Aides-memoires 01/14, 02/14, 03/14, 04/14, 05/14 and 06/14)

3. **The Chair** drew attention to aides-memoires 01/14, 02/14, 03/14, 04/14, 05/14 and 06/14 relating to the Special Committee decision of 17 June 2013 concerning Puerto Rico and to the questions of Gibraltar, Western Sahara, the Falkland Islands (Malvinas), French Polynesia and New Caledonia, respectively. With regard to the Special Committee decision concerning Puerto Rico, the Committee had received 43 requests for hearing, and he took it that the Committee wished to accede to those requests.

4. *It was so decided.*

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (A/69/69; A/AC.109/2014/L.3)

5. **The Chair** drew attention to the report of the Secretary-General pertaining to the transmittal of information from the administering Powers called for under Article 73 e of the Charter of the United Nations (A/69/69), as well as to a draft resolution on the issue (A/AC.109/2014/L.3).

Draft resolution A/AC.109/2014/L.3

6. *Draft resolution A/AC.109/2014/L.3 was adopted.*

Question of the dissemination of information on decolonization (A/AC.109/2014/18; A/AC.109/2014/L.4)

7. **Ms. Novicki** (Department of Public Information), introducing the report of the Secretary-General on the dissemination of information on decolonization during the period from April 2013 to March 2014 (A/AC.109/2014/18), said that the Department of Public Information had produced 38 press releases on decolonization in English and French, covering

meetings, statements and hearings by various United Nations bodies. A press officer had been deployed by the Department to cover the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Ecuador in May 2013. Issues related to decolonization had been featured on United Nations radio programmes and the multilingual United Nations News Centre portal. Information on decolonization had also been distributed through a news alert service and social media accounts. Many external websites had picked up the News Centre's stories on the issue.

8. United Nations Television had covered live more than 30 events on decolonization, including all the formal public meetings of the Fourth Committee. The United Nations Audiovisual Library had provided photographic and film material to a filmmaker in South Africa for a documentary on the independence of Namibia.

9. The Department continued to maintain and update the United Nations website on decolonization in the six official United Nations languages. The site had registered more than 280,000 page views during the reporting period. The Department also maintained a series of special pages to highlight activities and issues related to decolonization, such as the Week of Solidarity with the Peoples of Non-Self-Governing Territories.

10. The roles of the Trusteeship Council and the Special Committee on decolonization were included in the guided and audio tours of United Nations Headquarters, as well as those conducted at other United Nations duty stations. During the reporting period, the Dag Hammarskjöld Library had digitized 388 documents pertaining to decolonization and posted them on the Official Document System.

11. The global network of United Nations information centres continued to raise awareness of the issue of decolonization via print, broadcast, electronic and social media. Decolonization stories were made available in various languages to youth, civil society and the media. The United Nations Information Service in Vienna had produced a compilation of materials to guide educators in teaching students about the work of the United Nations, including the role of the Trusteeship Council. The work of the Special Committee on decolonization remained at the centre of

the Department's outreach activities with media, civil society and educational institutions.

12. **Ms. Vaccari** (Department of Political Affairs) said that the increasingly informative annual working papers on each of the 17 Non-Self-Governing Territories were prepared by her Department's Decolonization Unit on the basis of input provided by the administering Powers, as well as other sources, and posted on the Unit's website with a view to providing accurate data on the situation in the Territories. The Unit played a key role in the organization of the annual regional seminars, which served as informal opportunities for in-depth discussions and exchanges of information among stakeholders. The details of the seminar proceedings were disseminated on the website to reach a worldwide audience, and the seminar reports were issued as General Assembly documents.

13. The Unit also maintained a roster of contacts with expertise or experience in decolonization matters, answered queries from multiple sources and provided information for the tour guide services and materials of the Department of Public Information, with which it worked closely to maintain and improve the decolonization website as a user-friendly information and education tool.

14. **Mr. León González** (Cuba) said that his delegation appreciated the work done by the Decolonization Unit to support Member States' efforts to eliminate the scourge of colonialism. The Pacific regional seminar held in Fiji in May 2014 had been an excellent opportunity to hear from the Non-Self-Governing Territories in that region. He urged the Committee to discuss steps that could be taken to fully implement the plan of action for the Third International Decade for the Eradication of Colonialism.

15. **Mr. Koroma** (Sierra Leone) said that his delegation was grateful to the Decolonization Unit for the support provided to the visiting mission to New Caledonia, and encouraged both the Unit and the Department of Public Information to continue their excellent work to increase understanding of the issues.

Draft resolution A/AC.109/2014/L.4

16. *Draft resolution A/AC.109/2014/L.4 was adopted.*

Question of sending visiting missions to Territories (A/AC.109/2014/L.5)

Draft resolution A/AC.109/2014/L.5

17. **The Chair** proposed that the wording of the fifth preambular paragraph should be revised to read "Noting with satisfaction the work of the Special Committee visiting mission to New Caledonia, which took place from 10 to 15 March 2014, and looking forward to the report of the mission", and that footnote 2 should consequently be deleted.

18. *Draft resolution A/AC.109/2014/L.5, as orally revised, was adopted.*

Question of Western Sahara (A/AC.109/2014/1)

19. **The Chair** drew attention to the working paper prepared by the Secretariat on the question of Western Sahara (A/AC.109/2014/1).

20. **Mr. León González** (Cuba) said that, since its listing as a Non-Self-Governing Territory over 50 years earlier, Western Sahara had been the subject of numerous United Nations resolutions recognizing it as a case of colonization. Cuba supported the efforts of the United Nations to find a definitive solution so that the Sahrawi people could exercise their right to self-determination, including the talks that were still ongoing, albeit without making significant progress. In the meantime the Sahrawi people needed support, including humanitarian assistance, from the international community. Despite its resource constraints, Cuba had answered the call of the General Assembly to offer study and training facilities for inhabitants of Non-Self-Governing Territories, by enabling hundreds of Sahrawi persons to study in Cuba.

21. **Mr. Proaño** (Ecuador) said that colonialism was a denial of fundamental human rights and contravened international law. The administering Powers of Non-Self-Governing Territories played a key role in decolonization and must be urged to cooperate fully with the United Nations, in particular by reporting regularly on conditions in the Territories under their administration. Ecuador upheld the inalienable right of the people of Western Sahara to self-determination and independence. It was for the Sahrawi people alone to decide on which option was the most appropriate for moving towards self-government. Ecuador also supported the efforts of the Personal Envoy of the Secretary-General for Western Sahara, Mr. Christopher

Ross, and of the United Nations Mission for the Referendum in Western Sahara (MINURSO), as well as the talks currently under way. His delegation took note of the invitation issued by Morocco for the United Nations to examine human rights issues in Western Sahara and proposed that mechanisms to monitor the human rights situation in the Territory should be considered.

Hearing of petitioners

22. *At the invitation of the Chair, 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.*

23. **Mr. Boukhari** (Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario)) said that the fact that Western Sahara had yet to be decolonized was an affront to Africa, whose struggle for freedom had largely inspired General Assembly resolution 1514 (XV). Frente Polisario had been calling on the United Nations to fulfil its responsibility to complete the decolonization of Western Sahara ever since the invasion and occupation by Morocco had brought the process brutally to a halt in 1975. The recommendations made in the report of the last visiting mission sent by the Special Committee, in May 1975, not only established the right to self-determination of the Sahrawi people, subsequently upheld by the International Court of Justice, but also called for a referendum so that it could exercise that right. Morocco, however, refused to accept a referendum in which independence was an option for the Sahrawi people. The efforts of MINURSO and the Personal Envoy of the Secretary-General for Western Sahara had come to nothing, and direct talks had ceased in 2012. Maintaining that status quo undermined the credibility of the Organization, which now found itself in the extraordinary position of sustaining colonialism instead of ending it.

24. The occupying Power continued to plunder the natural resources of Western Sahara and abuse the civilian population, in total violation of international law on Non-Self-Governing Territories. In his most recent report to the Security Council, the Secretary-General indicated that efforts to complete the decolonization of Western Sahara and determine its final status must continue and that, if his Personal Envoy's efforts were unsuccessful, the Security Council would have to take full responsibility in that

regard. Frente Polisario supported that approach and offered its cooperation for making real progress. Given the renewed will expressed by the African Union to work with the United Nations to resolve the conflict, the Special Committee now had an opportunity to come out of hibernation and fulfil its obligations; continuing to do nothing would only further the interests of those who wished to disband the Committee.

25. Each year the General Assembly asked the Special Committee to monitor closely the situation in Western Sahara. The best way to do that was by gathering first-hand information. Frente Polisario, therefore, reiterated its request for the Committee to send a visiting mission to the Territory, for the sake of justice, regional peace and stability, and the credibility of the United Nations.

26. *Mr. Boukhari withdrew.*

27. **The Chair** said he took it that the Committee wished to transmit all relevant documents under the agenda item to the General Assembly to facilitate the consideration of the item by the Special Political and Decolonization Committee (Fourth Committee).

28. *It was so decided.*

Question of Gibraltar (A/AC.109/2014/12)

29. **The Chair** informed the Committee that the delegation of Spain had indicated its wish to participate in the Committee's consideration of the item. He drew attention to the working paper prepared by the Secretariat on the question of Gibraltar (A/AC.109/2014/12).

Hearing of representatives of the Non-Self-Governing Territory

30. *At the invitation of the Chair, Mr. Picardo (Chief Minister, Gibraltar) took a place at the Committee table.*

31. **Mr. Picardo** (Chief Minister, Gibraltar) said that year after year since 1963, Gibraltarian leaders had come before the Special Committee to remind it of its obligation to take action to protect the right of Gibraltar to self-determination and to assist it in emerging from the de jure colonialism that it had long since escaped de facto. But instead of protection and support, the response from the Committee continued to be a deafening silence. That silence suggested that the

Committee was no longer fit for purpose, and served as encouragement to those who sought to have Territories subject to sovereignty disputes treated differently under international law, with no regard for the inalienable rights of those living in listed Territories.

32. Gibraltar's case would long since have been resolved and the nation delisted, in keeping with the fourth option for decolonization, had it not been for the Spanish Government's insistence that although Gibraltar was a colonial territory, Gibraltarians could not avail themselves of the rights and protections afforded to colonial peoples under international law. It was contradictory for the Spanish Government to ask the Committee to approach the decolonization of what it termed a "Non-Self-Governing Territory" as if only the status of the land were in question. The rules on decolonization did not relate to land title but to the rights of colonial peoples, and the Gibraltarians were a colonial people, since they were the non-self-governing population of a listed Territory.

33. The Special Committee had been established to safeguard the right of peoples to self-determination. It did not have jurisdiction to entertain the territorial claims of third parties, such as Spain's claims over Gibraltar. That, however, was exactly what it was doing. The Committee should tell Spain to take its claims to the International Court of Justice, which, unlike the Special Committee, had been established to handle territorial disputes.

34. The Spanish Government's arguments in 2014 were the same as those it had put forward in 1964. It was using the same trumped-up excuses to impose de facto economic sanctions on Gibraltar with no possible justification. The colonial people of Gibraltar had repeatedly invited the Committee to visit Gibraltar and had requested it to give an opinion, or seek one from the International Court of Justice, on their 2006 Constitution, but the Committee had not done so, thus failing to take two of the actions that were within its jurisdiction. With that continued inaction, the Committee was wholly failing to fulfil its obligations both to the people of Gibraltar and to Spain, which needed to move on from its untenable position.

35. Gibraltar would never be Spanish, as the Gibraltarians would never be persuaded to accede to what would amount to recolonization. Gibraltar sought only peace, understanding and cooperation, as well as mature and productive dialogue. Like the United

Kingdom, it was strongly committed to the trilateral process of dialogue, and supported the British Foreign Secretary's proposal for parallel ad hoc dialogue on matters of mutual interest.

36. In addition to supporting Gibraltar's call for dialogue, the Committee should take the steps within its power to support Gibraltar's efforts to achieve delisting. It should visit the Territory, attend its forthcoming symposium on self-determination and hold the next regional seminar there. It should also, at last, seek an advisory opinion on Gibraltar's right to self-determination. The Committee should either support the people of Gibraltar, because that was what it had been created to do, or should explain why it would not support them, but without pretending that it could not do so.

37. *Mr. Picardo withdrew.*

38. **The Chair** said that a Committee capable of unilaterally resolving all of the world's colonization problems would be a dangerously powerful body. The Committee's obligation was to take the views of all parties into account; it was not demonstrating negligence or indifference. Pessimism about the work of the Committee was not called for, and patience was needed; indeed, the presence of the representative of Gibraltar indicated that he in fact had faith in the Committee, which would continue to work in a pluralistic way on behalf of the United Nations.

39. **Mr. Gutiérrez Blanco Navarrete** (Observer for Spain) said that the Committee should consider the various situations before it on a case-by-case basis, seeking pragmatic solutions where possible, in accordance with United Nations doctrine. The opinion of the population was an important factor in achieving decolonization, except where there was a dispute regarding the rights of another State. Colonial territories and administering Powers must initiate a dialogue aimed at dissolving or transforming colonial ties without delay.

40. In some cases, the inhabitants of a territory gave up their political independence, in agreement with the colonial Power, so long as their economic stability was guaranteed. Such colonialism by consent was utterly unacceptable, especially when it came at the expense of the legitimate rights of another State and those of the original inhabitants of the colony, as in the case of Gibraltar. The United Kingdom had occupied Gibraltar in 1704, expelling the original inhabitants. Subsequently,

it had artificially populated the territory with people brought from different locations and had enlarged it by illegally seizing land not ceded under the Treaty of Utrecht. It should also be noted that Spain had not ceded territorial waters; what the United Kingdom described as illegal incursions into British waters were in fact the routine activities of Spanish ships in Spanish waters.

41. The United Nations had repeatedly recognized that the colonial situation of Gibraltar undermined the territorial integrity of Spain, as was clear from General Assembly resolution 2353 (XXII). The administering Power itself had acknowledged that the independence of its colony was not possible without the consent of Spain. Accordingly, a negotiated solution was required, involving the return of territory that the United Kingdom had occupied in violation of international law. For years, the United Nations had called for bilateral dialogue, but the administering Power refused to hold discussions with Spain on the future of Gibraltar.

42. Spain's difficulties with Gibraltar had intensified since 2012, when the local authorities of Gibraltar had stopped applying an informal agreement between the previous authorities and Spanish fishermen. The local authorities were also implementing a policy of territorial expansion into Spanish waters. Moreover, those authorities were not properly cooperating in combating all forms of illicit trafficking, particularly tobacco smuggling. The increase in such smuggling had forced Spain to intensify surveillance in the waters and the border around Gibraltar. In November 2013 the European Commission had found that, contrary to claims by the United Kingdom, Spain's border checks did not violate European Union legislation.

43. While Gibraltar had no natural resources, in terms of per capita income it was the fourth-largest economy in the world. With a population of about 30,000, it had some 30,000 registered companies. The local authorities continued to allow bunkering (offshore refuelling) in the Strait of Gibraltar, which represented a serious environmental hazard. In 2011, the European Court of Justice had ruled in favour of the appeal filed by Spain and the European Commission concerning Gibraltar's corporation tax reform.

44. Despite the stalling of the Brussels process and the repeated provocations on the part of the local authorities in Gibraltar, Spain stood ready to engage in

regional cooperation with the goal of creating a constructive atmosphere of mutual trust that would benefit Gibraltar. In 2004, Spain had spearheaded the Forum for Dialogue on Gibraltar as a cooperation and confidence-building initiative that would pave the way for negotiations on sovereignty. However, the Forum process had been blocked in 2010 as a result of the Gibraltar local government's insistence on using discussions on technical issues and local cooperation to advance its sovereignty claims. The Government of Spain had proposed to the United Kingdom a new framework for regional cooperation which, unlike the former "Trilateral Forum", included the participation of both Gibraltarian and Spanish local authorities.

45. All issues of sovereignty and jurisdiction must be resolved through bilateral negotiations between Spain and the administering Power. 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 petitioners

46. *At the invitation of the Chair, Mr. Matthews (Self-Determination for Gibraltar Group) took a place at the petitioners' table.*

47. **Mr. Matthews** (Self-Determination for Gibraltar Group) said that all Gibraltarians were convinced that they had the right to determine their own political future and that of their land. Gradual progress in that regard over the 300 years during which Gibraltar had been British had culminated in the Constitution of 2006, leading to a level of self-government that, in the view of the Government of the United Kingdom and others, already amounted to decolonization. Nonetheless, no United Nations body had issued an opinion on whether that view was correct and, if not, on the changes that were needed to achieve decolonization, despite repeated requests to that effect from the Gibraltarian authorities.

48. The position of the Special Committee on decolonization and the Fourth Committee was illogical and contradictory: while those bodies claimed to uphold the right to self-determination enshrined in the Charter of the United Nations and relevant resolutions, they failed to recognize that bilateral negotiations between the United Kingdom and Spain held out no hope of progress on decolonization for Gibraltar. The Government of the United Kingdom had clearly stated

that it would never enter into an agreement on sovereignty, or even a negotiation process, without the consent of the government and people of Gibraltar, whose right to self-determination it wholeheartedly supported. Clearly, it was the Gibraltarians, in consultation with the administering State, who must determine an acceptable decolonized status for Gibraltar, and there was no basis for suggesting that Spain had any role to play in the process.

49. Having agreed to give up Gibraltar under the 1713 Treaty of Utrecht, Spain could not now invoke territorial integrity as a ground for recovering it. The Gibraltar issue served as a distraction from internal problems and unrest in Spain, which had the highest unemployment rate in the European Union and corruption scandals at all levels of government. The endemic corruption in Spanish politics had led to disillusionment among a large majority of Spaniards.

50. **The Chair** called the representative to order and asked him to refrain from passing judgement on the internal affairs of another country.

51. **Mr. Matthews** (Self-Determination for Gibraltar Group) said that the Spanish Government's propaganda campaign against Gibraltar was a politically motivated attempt to coerce Gibraltarians into giving up their sovereignty. Some public figures in Spain had stated that they did not share the Government's position on the matter.

52. It would be helpful to know if anyone on the Committee was willing to engage with the representatives of Gibraltar to explain what they must do in order to elicit a response from the Committee on how to move forward with decolonization. Perhaps the Committee could be persuaded to organize a visiting mission to Gibraltar.

53. *Mr. Matthews withdrew.*

The meeting rose at 12.50.