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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 5th meeting

Held at Headquarters, New York, on Tuesday, 23 June 2015, at 10 a.m.

*Chair:* Mr. Lasso Mendoza . . . . . (Ecuador)

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*The meeting was called to order at 10.20 a.m.*

### **Adoption of the agenda**

1. *The agenda was adopted.*

### **Question of Tokelau (A/AC.109/2015/3; A/AC.109/2015/L.15)**

2. **The Chair** drew attention to the working paper prepared by the Secretariat on Tokelau (A/AC.109/2015/3) and to a draft resolution on the question of Tokelau (A/AC.109/2015/L.15).

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

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

4. **Mr. Perez** (Ulu-o-Tokelau), titular head of the Territory, after reciting a Tokelauan prayer to encourage all present to stand and move forward together, said that as Polynesians who shared similar culture and traditions with other peoples of the South Pacific region, the people of Tokelau intended to develop further their relationship with its neighbours. In his own address to the General Fono regarding the institutional reforms needed, he had chosen a traditional expression whose message was "tomorrow the wind would change direction". A modern Tokelau, strengthened through robust service delivery to raise the quality of life, required adapting to the changing times while holding on to the principles of the "Tokelau way".

5. His appearance before the Committee was also motivated by a wish to take back to Tokelau a renewed vision for the future, particularly given the importance the Committee placed on issues such as the relevance of climate change to the decolonization process and treating each Territory on a case-by-case basis. Tokelau had been advocating that Territories should be given special consideration when engaging in meaningful partnerships with United Nations bodies specializing in climate change, renewable energy and sustainable development. The world was at a critical juncture and Tokelau could not afford to have its political status limit its ability to be heard on such issues. The decolonization process and development issues were not parallel; they were one and the same for Tokelau.

6. Turning to key developments since 2014, he said that in August of that year, the application by Tokelau for associate membership in the Pacific Islands Forum had been approved, after several years participating as an observer at the annual Forum Leaders' Meeting. The Territory's admission was in recognition of its endeavours to self-govern and its contributions in regional bodies, notably as Chair of the Forum Fisheries Committee and host of that Committee's annual ministerial meeting, at which the Tokelau Arrangement for the Management of the South Pacific Albacore Fishery was adopted. Tokelau had participated in the third International Conference on Small Island Developing States, determined to support the Pacific region on key issues, including climate change, ocean and marine resources, disaster and risk management, and water and waste management. It had entered into practical arrangements with other countries, including the Coalition of Atoll Nations on Climate Change. Tokelau was also committed to and fully supported the SIDS Accelerated Modalities of Action (SAMOA) Pathway.

7. The aim of the Tokelau National Strategic Plan 2010-2015, currently in its final year of implementation, was to build a healthy community with equal opportunity for all. Tokelau was contemplating a longer term plan for 2015-2030 comprised of 3 five-year strategies. An Interim Plan for 2015/16 would ensure that outstanding activities from the current plan were adequately addressed and provide key platform and arrangements to support the long-term plans. A framework on raising the quality of life, the focus for the immediate period, was also under way and would address service delivery through improved governance, management systems and processes. In the past, Tokelau had raised the issues of governance structures, fiscal integrity, and improved public service infrastructure and, more importantly, good governance in those areas. The Government of Tokelau, the village councils and the public service were committed to working to achieving better education and health outcomes, with the assistance of New Zealand and development partners, including the Committee and United Nations agencies.

8. The United Nations had taken the lead in global efforts to address the key issues related to climate change and sea level rise, threats which concerned and had already affected Tokelau. The reality of climate change was visible in the changes to the coastal

environment, rising temperatures and the acidification of lagoons, affecting food security. The impacts on the lives of Tokelauans were overwhelming, yet they could not participate in international discussions thereon. Tokelau was therefore working closely with the United Nations Development Programme (UNDP) in Samoa to launch a joint mission of the Council of Regional Organizations in the Pacific and the United Nations in August. The cooperation was crucial for Tokelau's long-term plan and ensuring that future development frameworks responded to local priorities, targets and indicators. UNDP was already working closely with Tokelau to strengthen its 100 per cent renewable energy project. Furthermore, community driven projects continued to be very successful: in 2015 Tokelau won recognition by the World Health Organization for its "fizzy-drink free" programme which banned such drinks from the Territory since 2013.

9. The exclusive economic zone was a major source of revenue for Tokelau. While fishing revenues had increased markedly in recent years, bolstering the budget, it was not a guaranteed income given the variabilities of climate and oceanic conditions, the migratory nature of target species and the increasing sophistication of fishing patterns. In planning, Tokelau sought to maximise opportunities from marine resources but also to avoid an overreliance on projected income. As such, early in 2015 the General Fono agreed to reinvest proceeds from its Trust Fund, an intergenerational fund for the future of Tokelau, back into the Fund capital.

10. Previous leaders had told the Committee about the essential nature of an effective shipping service for Tokelau and had long called for a ship to provide a regular, reliable and safe link to the outside world. That ship, the Mataliki, named after a constellation that had guided fishermen for years and helped them to determine winds and weather patterns, was about to appear on the horizon. It would certainly improve transportation, but Tokelau would continue to explore other means of air transportation for efficient service delivery and emergency response.

11. Tokelau currently had no specific decolonization agenda or timetable. It was fair to say that while self-determination was not an immediate priority, it was an ultimate goal, which New Zealand respected and supported without bringing any pressure to bear. Nonetheless, the work to build robust infrastructure as

well as clear structures, systems and procedures within village and national institutions to support good governance, was pivotal for the development resilience and self-reliance of the people. Tokelau had made great progress towards meeting the aspirations of its people for a reliable and brighter future with the generous and conscientious support of the administering Power. He looked forward to the continued support of the Committee of 24 and the United Nations family.

12. **Mr. Minah** (Sierra Leone), expressing his delegation's condolences on the loss of those eminent leaders of Tokelau, said that he had been pleased to hear of the healthy relationship between the administering Power, which had shown remarkable leadership, and the people of the Territory. Such harmony augured well for the work of the Committee. Noting the challenges faced by Tokelau, particularly with regard to climate change, which threatened its very survival, he hoped that the Territory's membership in the Pacific Islanders' Forum would bear fruit and that engagement with other Small Island Developing States would also help in its endeavours. He commended the Ulu-o-Tokelau and his people on their commitment to improving the lives of Tokelauans and ensuring equal opportunities, while espousing an inspiring belief that the winds would change direction. The Committee would continue to support Tokelau until such time as the Territory wished to choose a different path.

13. **Ms. Ngawati** (New Zealand), speaking on behalf of the Administrator of Tokelau, said that New Zealand continued to appreciate the interest of the Committee in Tokelau and remained committed to cooperatively ensuring that timely and accurate information about Tokelau was provided to the Committee and the wider United Nations system. As an administering Power, and aware of the many persistent challenges that the Territory faced, particularly its position as one of the most geographically isolated communities in the world, New Zealand continued to work very closely with the Tokelau leadership and its people. In line with its constitutional relationship with Tokelau, and in response to the concerns about the quantum of funding from New Zealand, the Government's priorities continued to be ensuring that all Tokelauans received appropriate essential services and improving the quality of life for people living in Tokelau. Both parties were working together to develop a quality of life plan to address identified weaknesses, along with a five-

year plan for improving public services on Tokelau. Work was already well under way and input was pending from the three Taupulega (village councils) to inform discussion at the next General Fono session in July.

14. Among the many work streams currently under way was the new purpose-built ship to service Tokelau. The ship, which cost \$NZ 12.5 million, would be gifted to Tokelau in August 2015 and would be serviced by a professional ship management company to ensure the safety of the people of Tokelau and the safe operation of the vessel. Another priority issue was improving the delivery of education to the children of Tokelau through a jointly managed process. Following a recent review of the state of education which had found that urgent action was needed, New Zealand was providing technical support in the Territory's schools and Department of Education, and had committed up to an additional \$NZ 1 million per year for five years. In parallel, Tokelau had committed to increasing its budget allocations to education over time. On-going cooperation with Tokelau was also aimed at maximizing revenue from the Territory's own resources, in particular fisheries — the largest income earner for Tokelau — which had generated \$NZ 10.75 million in 2014/15. At the request of Tokelau, the Administrator of Tokelau continued to manage its exclusive economic zone fisheries resource, in conjunction with Tokelau and with the assistance of the New Zealand Ministry of Primary Industries.

15. As the Administrator had noted in his statement to the Committee in 2014, the focus was providing core services for Tokelau before any further act of self-determination was considered. There was no active push for change to the status quo. New Zealand, the largest bilateral donor to Tokelau, remained committed to the long-term development of the Territory and would allocate at least \$NZ 20.6 million in the areas of transport, education and budget support for 2014/15.

*Draft resolution A/AC.109/2015/L.15: Question of Tokelau*

16. **Mr. Aisi** (Papua New Guinea), introducing the draft resolution on behalf of his country and Fiji, said that while much of previous year's resolution remained important, the text reflected developments since 2014. The most significant of those was related to the participation of Tokelau in regional and international affairs, which was an important building block for its

future aspirations. In an unprecedented and landmark event, Tokelau had successfully chaired and hosted the Forum Fisheries Committee and the Ministerial Meeting of the Pacific Islands Forum Fisheries Agency. Additionally, the Ulu-o-Tokelau, as the Chair of the Forum Fisheries Agency, had represented that organization at the third International Conference on Small Island Developing States which had adopted the outcome document, SIDS Accelerated Modalities of Action (SAMOA) Pathway.

17. *Draft resolution A/AC.109/2015/L.15 was adopted.*

**Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands** (A/AC.109/2015/1, A/AC.109/2015/4, A/AC.109/2015/5, A/AC.109/2015/6, A/AC.109/2015/7, A/AC.109/2015/8, A/AC.109/2015/9, A/AC.109/2015/10, A/AC.109/2015/11, A/AC.109/2015/12, A/AC.109/2015/14 and A/AC.109/2015/L.8)

18. **The Chair** drew attention to the working papers prepared by the Secretariat for information on those non-self-governing territories and contained in documents A/AC.109/2015/1, 4 through 12 and 14.

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

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

20. **Mr. Howell** (Turks and Caicos Islands) said that his presence before the Committee was an indication of the Territory's determination to exhaust all channels to attain self-determination. Despite being home to a number of luxury resorts and a prime tourism destination, the Islands' history of being annexed to other countries by the colonial powers according to the fluctuations of natural resource prices meant that they continued to be regarded as mere real estate by the administering Power. With experience in governance dating back only to the 1970s, local leaders had achieved much despite their limited experience and the obstacles they had faced. Their desire to avoid past errors had been reflected in significant spending on education from 2003 to 2007, but the scholarship

budget, criticized as a waste, had been reduced in 2010.

21. A number of issues led his people to question liberty and progress in their islands, a United Kingdom Overseas Territory. They were unsatisfied by the efforts of the administering Power, which was responsible for internal and external security, to curb the apparent rise in criminality or to refund the cost of repatriating offenders. The TCI Bank in the Turks and Caicos Islands had been liquidated, while banks in the United Kingdom built from the proceeds of slavery continued to be supported. Despite the recent commemoration of the eight hundredth anniversary of the Magna Carta, the people of Turks and Caicos had just been denied a number of real benefits therefrom. Government Ministers tried to deliver amidst the bureaucracy intended to allow transparency, but parallel governance bred local political destabilization and made local leaders' jobs more difficult than necessary.

22. The savings and economic upturn that had resulted from austerity measures would enable the Turks and Caicos Islands to repay its debt before time, thereby releasing the United Kingdom from its guarantor responsibility on a \$260M loan. The Turks and Caicos Islands continued to diversify and strengthen to the best of its abilities, but there was a need for a change in the system of governance. Many were counting on the Committee to be innovative and assist by adopting a special resolution to examine what could be construed as abuses and inactivity on the part of the administering Power and to observe, through a visiting delegation, the current state of political activity in line with the Committee's mandate. The Committee could also recommend any other options for the territory, such as free association.

23. The United Kingdom could impose Orders in Council on its Caribbean Territories that were not undertaking suggested reforms. He asked whether that implied that such territories were inferior, deviant or had resisted good will. His were a peaceful people, and they would use any means available to attain the goal of self-determination and enjoy prosperity and justice for all. They believed in rights for all according to law, in the Charter of the United Nations and relevant resolutions of the General Assembly. The time to act had come, for there was danger in delay.

*Draft resolution A/AC.109/2015/L.8: Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands*

24. *Draft resolution A/AC.109/2015/L.8 was adopted.*

25. **The Chair** said that during informal consultations on the item under consideration, several delegations had underscored the need for the Committee to revert to the practice of addressing all Non-Self-Governing Territories in separate, stand-alone resolutions. The decision taken in 1991 to streamline and rationalize the Committee's work and to limit documentation had been well-intended, and had resulted in the current omnibus format. However, delegations at the 2015 Caribbean Regional Seminar in Managua, Nicaragua, had made a strong case that such a format deprived the referenced territories of the opportunity to be treated as distinct and urgent decolonization cases, and also made it difficult to accord them the maximum attention necessary for moving their individual processes forward on a case-by-case basis. Accordingly, he suggested that with effect from the seventy-first session in 2016, the Committee should address each Territory in a targeted resolution that would bring maximum attention to the issues at stake, on a case-by-case basis and in line with General Assembly resolutions on the control and limitation of documentation.

26. He took it that the Special Committee wished to accept the Chair's proposal to discontinue the omnibus format and address each Non-Self-Governing Territory under its own targeted resolution, starting at the seventy-first session in 2016.

27. *It was so decided.*

**Question of sending visiting missions (continued)**  
(A/AC.109/2015/L.5)

*Draft resolution A/AC.109/2015/L.5*

28. **The Chair** recalled that, at its 2nd meeting, held on 15 June 2015, the Committee had agreed to defer action on draft resolution A/AC.109/2015/L.5 in order to allow adequate time for consultations to be concluded. Those consultations had resulted in the consensus text before the Committee.

29. *Draft resolution A/AC.109/2015/L.5 was adopted.*

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/AC.109/2015/L.9)**

30. **The Chair** recalled that the draft resolution requested the Secretary-General to augment the resources at the disposal of the Special Committee in order to cover its mandated activities. As he understood that the Secretariat required more time to prepare an estimate of the cost involved, he suggested that the Committee should postpone consideration of the item to Friday, 26 June 2015.

31. *It was so decided.*

**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 (A/AC.109/2015/L.10)**

*Draft resolution A/AC.109/2015/L.10: 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*

32. **Mr. Popov** (Russian Federation), speaking in explanation of position before the decision, said that his delegation continued to support the effective realization of the rights of Non-Self-Governing Territories to self-determination and independence. However, the consideration of that strictly political question in the Economic and Social Council distracted from the Council's main functions in the socioeconomic sphere. Thus, the Russian Federation intended to abstain from any vote on the draft resolution.

33. *Draft resolution A/AC.109/2015/L.10 was adopted.*

*Draft resolution A/AC.109/2015/L.11: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories*

34. *Draft resolution A/AC.109/2015/L.11 was adopted.*

**Question of Western Sahara (A/AC.109/2015/2)**

35. **The Chair** drew attention to the working paper prepared by the Secretariat on the question of Western Sahara (A/AC.109/2015/2).

36. **Mr. Bouah-Kamon** (Côte d'Ivoire) said that all parties should seek a just, lasting, and mutually acceptable political solution to the question of Western Sahara, in accordance with the relevant resolutions, as well as the broader objectives, of the United Nations. In that regard, his delegation welcomed the commitment of the parties to enter into a more intensive phase of negotiations in good faith and without preconditions as expressed in General Assembly resolution 69/101. It also welcomed the adoption of Security Council resolution 2218 (2015), and continued to urge the parties to move forward with the negotiation process, as the status quo was not acceptable or beneficial to any of the parties. In that context, his delegation welcomed the efforts by Morocco to find a definitive solution to the question of the Moroccan Sahara and supported the Moroccan proposal to grant extensive autonomy to the Sahara region within the framework of Moroccan territorial integrity and national unity. The laudable mediation efforts of the Secretary-General and his Personal Envoy for Western Sahara were proof of the fundamental role of the United Nations in questions relating to peace and security.

37. **Mr. Hermida Castillo** (Nicaragua) said that Western Sahara had too long been under occupation, despite repeated calls from the international community for the realization of its inalienable rights to self-determination and independence. The appointment of former Mozambican President Joaquim Chissano as the African Union Special Envoy for Western Sahara reflected the great importance African States placed on the question. Morocco and Western Sahara must come to a definitive agreement that would allow the latter to exercise self-determination in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples.

38. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela) said that his delegation considered the matter at hand to be a question of an unfinished decolonization process. It was strongly in favour of self-determination and independence for Western Sahara, whose people had courageously sought to exercise those inalienable rights since 1963. The United Nations-backed negotiation process should be resumed with a view to holding a referendum on self-determination in accordance with the 1991 settlement plan and Security Council resolution 690 (1991). That would be possible if the occupying Power, Morocco,

ceased to delay the process and demonstrated greater political will to reach a just, lasting, and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara. Morocco was seeking to prolong its occupation of the Territory through such tactics as modifying its demographic composition. It had also delayed the work of the Personal Envoy of the Secretary-General and the Special Representative of the Secretary-General for Western Sahara by preventing them from visiting for a period of nine months. The United Nations and the African Union had both expressed their support for independence in Western Sahara, the only remaining colony in Africa.

39. According to reports by the Secretary-General and various human rights organizations, human rights violations in the camps for refugees from Western Sahara included arbitrary detention, excessive use of force against demonstrators, overcrowded and unsanitary living conditions, malnutrition and limited or no access to medical care for those held in detention centres. While the United Nations Mission for the Referendum in Western Sahara (MINURSO) had supported the implementation of programmes to address the issues of displaced and separated families, it was unfortunate that the Security Council, as a result of pressure from certain permanent members, had not taken up the Secretary-General's recommendation to expand the mandate of MINURSO to include a human rights component. The international community should promote respect for human rights and international humanitarian law in Western Sahara and the refugee camps in Algeria. He urged the Special Committee to move forward with the implementation of the Plan of Action for the Third International Decade for the Eradication of Colonialism and to recommend that visiting missions be sent to the Territory to determine what progress had been made in the negotiations.

40. The allocation of concessions for the exploitation of natural resources in the exclusive economic zone of Western Sahara must stop. Furthermore, States should cease any economic activity in the Territory that was detrimental to the interests of its inhabitants, in accordance with General Assembly resolution 2621 (XXV) (1970).

41. The road map for the resolution of the question of Western Sahara was set out in the settlement plan. The agreed referendum should take place as soon as possible, in order to enable the people of the Sahrawi

Arab Democratic Republic to exercise their right to self-determination. His delegation was concerned by the search for alternative solutions seeking supervised autonomy under Moroccan sovereignty. Such a solution would effectively maintain the colonial status quo. Independence was not negotiable; it was an inalienable right. His delegation supported the decision adopted by the Heads of State of the African Union calling on the United Nations to set a date for the referendum on self-determination in Western Sahara and urged the Special Committee on decolonization to respond. His Government had officially recognized the Sahrawi Arab Democratic Republic since 1983 and would continue to support United Nations efforts to facilitate an agreement between Morocco and the Frente Polisario.

42. **Mr. León González** (Cuba) said that his delegation supported the right of Western Sahara to self-determination, in accordance with the Charter of the United Nations, the relevant United Nations resolutions and international law. He drew attention to the Communiqué of the Peace and Security Council of the African Union of March 2015 on the situation in Western Sahara, according to which the resolution of the conflict would require a greater international commitment and close cooperation between the African Union and the United Nations. His delegation hoped that the relevant General Assembly and Security Council resolutions would be implemented. Like the rest of the Community of Latin American and Caribbean States, Cuba would continue to support efforts to reach a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara. His Government had also supported the development of the Territory by providing education and training in Cuba for hundreds of students from Western Sahara, in response to United Nations resolutions inviting States to offer study and training facilities to inhabitants of Non-Self-Governing Territories.

43. **Mr. Arancibia Fernández** (Plurinational State of Bolivia) said that the conflict in Western Sahara was related to a question of decolonization as understood in resolution 1514 (XV) (1960). While the recent rounds of negotiations and informal discussions had not produced concrete results, the parties had reiterated their commitment to continue the negotiations. His delegation therefore hoped that a solution compatible with the Charter of the United Nations and the

Declaration on the Granting of Independence to Colonial Countries and Peoples would be achieved in the near future. It welcomed the new focus of the work of the Personal Envoy of the Secretary-General for Western Sahara, which was facilitating the negotiations on reaching a just, lasting and mutually acceptable political solution providing for the self-determination of the people of Western Sahara. His delegation would continue to support United Nations efforts to reach such a solution, which would help bring peace at the regional and international levels.

44. **Mr. Minah** (Sierra Leone) said that the question of Western Sahara, the only Non-Self-Governing Territory in Africa, was one of the most difficult issues faced by that continent. His delegation welcomed the determination of Morocco and the people of Western Sahara to resolve the matter through negotiations. His Government would continue to support efforts by the African Union to push the parties to negotiate a mutually acceptable and sustainable settlement. The Security Council should renew its commitment to the resolution of the matter and be more proactive in the search for a lasting solution. The current negotiation process met the expectation of his Government. The Special Committee should be able to support all proposals aimed at achieving a lasting resolution of the problem. His Government supported all resolutions of the former Organization of African Unity, the African Union and the Security Council in that regard.

45. **Mr. Fornell** (Ecuador) said that colonialism was a violation of justice and international law. It was disappointing that such an anachronism, which violated human rights and impeded the promotion of peace and cooperation, still had to be addressed in the twenty-first century. The Third International Decade for the Eradication of Colonialism should serve as an opportunity to put an end to colonialism. Administering Powers had a significant role to play and should cooperate fully in that process, in particular by regularly transmitting information relating to the conditions in the Non-Self-Governing Territories for which they were responsible, in accordance with Article 73 of the Charter of the United Nations and resolution 1514 (XV).

46. It was entirely up to the people of Western Sahara to determine the modalities of their self-determination, within the limits of international law. His delegation therefore fully supported the efforts being made in the context of the current negotiation process to reach a

just and lasting solution that would restore the inalienable right of the people of Western Sahara to self-determination. It also supported the work of the Personal Envoy of the Secretary-General, the Special Representative of the Secretary-General and MINURSO in that regard. The question of Western Sahara was clearly a question of decolonization. In light of the persistent conflict related to the dispute, all parties must continue to seek an agreement that would allow for the development of mechanisms to monitor the human rights situation in the Territory.

47. **Mr. Boukhari** (Observer for the Frente Polisario) said that Morocco had invaded the former Spanish colony of Western Sahara in 1975 in order to annex it to its own territory. The fact that a colony remained in Africa was an insult to a continent whose battle for freedom was largely responsible for General Assembly resolution 1514 (XV). The Frente Polisario had consistently reaffirmed the enormous role to be played by the United Nations in bringing to completion the decolonization process that had been brutally interrupted by the invasion and subsequent military occupation of Western Sahara by Morocco. Western Sahara had responded by fighting for its right to exist, as any dignified people should do when invaded by a foreign power. In 1991, the Frente Polisario and Morocco, the two parties to the conflict, had agreed to hold a referendum the following year to allow the people of Western Sahara to choose between independence and integration with Morocco. However, Morocco had not allowed the referendum to take place. Furthermore, that State now claimed that Western Sahara was already part of its territory and refused to accept a referendum that offered independence as an option. That inflexible position, which was contrary to international law, was responsible for the lack of progress in the decolonization process. The efforts of the Personal Envoy of the Secretary-General had been futile in the face of obstruction from Morocco, with the support of France.

48. The current situation was damaging the reputation of the United Nations and causing the Organization to dedicate significant resources to the continued operation of MINURSO. It was also enabling the occupying Power to brutally repress the population of Western Sahara and rapidly exploit the Territory's natural resources, in particular fish and phosphates. Morocco had further complicated the decolonization efforts by inviting foreign companies to

search for oil off the Territory's coast. The forty-year illegal exploitation of natural resources in Western Sahara risked leaving the country without resources in the foreseeable future. In his report [S/2014/258](#), the Secretary-General had indicated that the efforts of the United Nations would remain highly relevant until the final status of the Territory was established. The report also indicated that if no progress had been made by April 2015, the time would have come to engage the members of the Security Council in a final review of the peace process and ask them to find alternative means of moving forward. Regrettably, the most recent report of the Secretary-General did not contain a final review of the peace process or a request to the Security Council, despite the fact that the refusal by Morocco to allow the Personal Envoy of the Secretary-General access to Western Sahara for nearly a year meant that no progress had been made.

49. Morocco wanted to ensure that the peace progress did not move forward. It was under the illusion that its stalling tactics, and the fact that a new Secretary-General would take office the following year, would lead to the question of Western Sahara being forgotten and the status quo becoming permanent. Despite the efforts of the African Union and several members of the Security Council during the process of adopting Security Council resolution 2218 (2015), the situation remained stalled. The Twenty-Fifth Ordinary Session of the Assembly of the African Union had adopted a decision that reflected African frustration at the delay and called on the General Assembly to determine a date for the holding of the self-determination referendum. The paralysation of the Security Council resulting from French support for the Moroccan occupation of Western Sahara could lead to an extremely dangerous and uncontrollable situation in an area that was already shaken by the instability in the Sahel region. The frustration of the people with the lack of action from the United Nations could not be contained by empty promises forever. It was therefore essential for the Special Committee to demonstrate that it was still working on and committed to the object for which it was created: the eradication of colonialism in all its forms.

50. His delegation had been asking the Special Committee to visit the Territory for years. Various General Assembly resolutions had also called on the Committee to continue to monitor the decolonization process, which would be difficult to do effectively

from New York. Furthermore, it had been determined at the Caribbean Regional Seminar in May 2015 that the Special Committee should organize a special session on Western Sahara. Such a session would certainly be welcomed by Member States acting in good faith and committed to evaluating the decolonization process and recommending courses of action. The fact that the Security Council had its hands tied should not prevent action by the Special Committee, which had its own rules of operation. The Committee must take steps to directly monitor the decolonization process, including by visiting Western Sahara.

51. **Mr. Mminele** (Observer for South Africa) said that for his delegation not to recognize Western Sahara would make it an accessory to the denial of the right of the people of that Territory to self-determination. The struggle of those people was a struggle for self-determination grounded in the principles of decolonization, human rights, respect for international law and the security and stability of the African continent. The General Assembly had consistently recognized the right of the people of the last remaining colony in Africa to self-determination and independence and called for that right to be realized in accordance with its resolution 1514 (XV). The continued occupation by Morocco constituted a challenge to the Charter of the United Nations and the authority and credibility of the Special Committee.

52. It was regrettable that it had not been possible to break the impasse in the negotiations. The African Union had undertaken several initiatives to attempt to move the process forward. Its Special Envoy had met with key international stakeholders, including the United Nations Secretariat, to express the organization's frustration at the lack of progress and international engagement. The African Union Peace and Security Council had also taken a decision to establish an International Contact Group for Western Sahara and to reactivate the ad hoc Committee of Heads of State and Government on the conflict in Western Sahara in order to ensure high-level and sustained engagement on the issue. It had also asked the Office of the United Nations High Commissioner for Refugees to take appropriate steps to ensure sustained, independent and impartial monitoring of the human rights situation in the Territory and had asked the Security Council to recommend the consideration of a global boycott of products of companies involved

in the illegal exploitation of the natural resources of Western Saharan. At its twenty-fifth ordinary session, the Assembly of the African Union had underlined the urgent need for international efforts to facilitate an early resolution of the conflict and recalled the 1975 advisory opinion of the International Court of Justice which called for the United Nations to set a date for the referendum on self-determination. It had also reaffirmed its support for Joaquim Chissano as the African Union Special Envoy for Western Sahara.

53. His delegation reaffirmed its support for efforts to achieve a just, lasting and mutually acceptable political solution to the question of Western Sahara, which would provide for the exercise of the inalienable right to self-determination of the people of Western Sahara. It was also in favour of the Special Committee sending a visiting mission to the Territory.

54. **Mr. Boukadoum** (Observer for Algeria) said that the conflict in Western Sahara and the opposition to the Frente Polisario, the legitimate representative of the people, was a question of decolonization. The United Nations had a responsibility to ensure the implementation of self-determination. The colonization of Western Sahara must be brought to an immediate and unconditional end, in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. His delegation was frustrated and deeply concerned by the lack of progress on the question. In the Third International Decade for the Eradication of Colonialism, the current impasse only added to the challenges the United Nations was facing with regard to its authority and credibility. As early as 1961, the General Assembly had expressed, in its resolution 1654 (XVI), its conviction that delay in the application of the Declaration was a continuing source of international conflict and disharmony, seriously impeded international co-operation, and was creating an increasingly dangerous situation in many parts of the world which may threaten international peace and security. The efforts of the United Nations were being hindered by various obstacles that had been imposed to prevent the implementation of the 1991 settlement plan, even though that plan had been unanimously adopted by the Security Council. It was high time to give peace a chance, and that could be done very easily through cooperation with United Nations entities and a referendum on self-determination.

55. Paragraph 4 of General Assembly resolution 1654 (XVI) requested the Special Committee to examine the application of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to make suggestions and recommendations on the progress and extent of the implementation of the Declaration and to report to the General Assembly. The resolution also reiterated and reaffirmed the objectives and principles enshrined in the Declaration, particularly its paragraph 5. The Special Committee should determine how to best fulfil its mandate. In that regard, it must consider the requests made by the representative of Western Sahara at the Caribbean Regional Seminar for the Committee to conduct a visiting mission to Western Sahara and to convene a special session on the Territory. His delegation would closely examine the conclusions and recommendations of the committee.

56. The special committee also had a duty to monitor the human rights situation in the Territory. His delegation would support all fact-finding missions or mechanisms organized by the United Nations, international organization, non-governmental organizations and the media. In light of the appetite for the natural resources of Western Sahara, it was worth recalling the legal opinion of Hans Corell, Under-Secretary-General for Legal Affairs, that “if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self-Governing Territories” (S/2002/161).

57. The Security Council had repeatedly reiterated its commitment to the implementation of the right to self-determination of the people of Western Sahara. Given that the question was an African issue at its roots, it was also important to take into account the position of African leaders. The African Union had expressed its unwavering and unconditional support for the people of Western Sahara to exercise their right to self-determination and had acted on that support by appointing a Special Envoy for Western Sahara. Moreover, the African Union Peace and Security Council had issued a communiqué reaffirming its support for the self-determination of the people of Western Sahara in March 2015 and had subsequently adopted a decision calling on the United Nations General Assembly to determine a date for the holding of the self-determination referendum and to protect the

integrity of Western Sahara as a Non-Self-Governing Territory from any act which may undermine it. The decision also urged the Security Council to fully assume its responsibilities and effectively address human rights violations and the illegal exploitation of the Territory's natural resources.

58. The situation was serious, but his delegation had hope that reason would prevail and that United Nations efforts would bear fruit in the near future. His Government's position on the right to self-determination would never change. As an official observer of the peace process, it was simply asking the Special Committee to fulfil its mandate and ensure the exercise of the right to self-determination.

59. **Mr. Kadiri** (Observer for Morocco) said that the question of Moroccan Sahara was a question of territorial integrity and national sovereignty. Morocco had reconstituted its national territory piece by piece, gaining its sovereignty in 1956, recovering Tarfaya in 1958, Ifni in 1976 and Moroccan Sahara 1975. It was at the instigation of Morocco that the question of Western Sahara had been added to the list of Non-Self-Governing Territories in 1963. At that time, the relevant resolutions had called for negotiations between Morocco and Spain; the group now known as the Frente Polisario did not exist. The decolonization process had been finalized in 1975 by means of the Madrid Accord. In spite of those historical facts, the dispute remained on the agenda of the United Nations as a result of ongoing Algerian attempts to limit the inalienable right of Morocco to preserve its territorial integrity and national unity, Algeria's hegemonic designs on North Africa and geopolitical interests related to the Cold War. Algeria also continued to fuel the dispute by providing enormous resources to the Frente Polisario. That State must take responsibility for its position, which was making the Maghreb and the Sahel vulnerable to threats from terrorist and criminal groups.

60. Since 2004, the United Nations had ceased to discuss previous settlement plans and had been calling on parties to negotiate a lasting and mutually acceptable solution to the dispute. The 2001 Algerian proposal to partition the Territory submitted to the then Personal Envoy of the Secretary-General, Mr. James Baker III, had been immediately rejected by Morocco. That proposal was proof that the Algerian Government's supposed support of the right to self-determination was simply a pretext it was using in an

attempt to undermine the legitimate rights of Morocco. In April 2007, his Government had submitted the "Moroccan Initiative for Negotiating an Autonomy Statute for the Sahara Region" to the Secretary-General. The proposal was the result of inclusive national consultations, including with representatives of the population of Moroccan Sahara. The autonomy initiative was in line with international law and the most advanced norms and principles on the devolution of powers. It also recognized that that independence was not a realistic option, as stated by former Personal Envoy of the Secretary-General, Mr. Peter van Walsum. It was a compromise solution giving the local population extensive decision-making power in the executive, legislative and judicial domains. It would be negotiated and submitted to the population concerned for consultation before adoption. Since the initiative had been presented, the Security Council had adopted several resolutions, most recently resolution 2218 (2015), that clearly defined the factors that must be taken into account when negotiating a political settlement of the dispute, namely the pre-eminence of the Moroccan proposal; the serious and credible efforts made by Morocco since 2006; the fact that negotiations must be based on realism and a spirit of compromise if they were to move forward; the regional nature of the dispute and the resulting need for neighbouring States to cooperate more fully with the United Nations and with each other; and the contribution that a political solution and enhanced cooperation between Arab Maghreb Union States members would make to stability and security in the Sahel region. However, instead of seeking a negotiated political solution on the basis of that initiative, the other parties continued to attempt to revive a plan that had long been abandoned by the Security Council.

61. Algeria and the Frente Polisario had adopted a strategy of using human rights concerns as a pretext for maintaining the status quo, which was simply prolonging the suffering of those living in refugee camps. However, the international community had refused to be manipulated by such scheming and was convinced by Moroccan reforms to consolidate democracy and ensure full respect for human rights and fundamental freedoms throughout the whole of its territory. Security Council resolution 2218 (2015) welcomed Moroccan human rights efforts. Western Sahara had benefitted from in-depth structural reforms, particularly in the areas of planning, human development and the strengthening of the rule of law

and good governance. The 2011 Constitution guaranteed increased individual and collective liberties. His Government had also devoted significant financial and human resources to infrastructure and socioeconomic projects in Moroccan Sahara, which now had the highest social indicators in the country. The population of Western Sahara was participating in public and political life and economic, social and cultural development alongside the rest of Moroccan society, both directly and through elected representatives at the local, regional and parliamentary levels. Algeria, on the other hand, was in no position to give other Member States lessons in human rights. The European Parliament had adopted a resolution on violations in that country as recently as April 2015. Algeria was also depriving sectors of its own population, particularly the Kabyle and Mozabite peoples, of their cultural and political rights and was responsible for thousands of forced disappearances that had remained unresolved for decades. Non-governmental organizations that had been denied access to Algeria had offices in Morocco. In the Tindouf refugee camps, basic human rights such as freedom of movement, freedom of expression and freedom of assembly were withheld. There were also extrajudicial killings, forced disappearances and enslavement, and children were separated from their families and forced to join the military. The militarization of the camps was a flagrant violation of international law. Furthermore, despite Security Council resolutions calling for refugees to be registered, residents of the camps were still being denied that right. That need was now more pressing than ever, given the recent investigation by the European Anti-Fraud Office which had revealed systematic and large-scale diversion of aid by Algeria and the Frente Polisario, enabled in part by false inflation of the number of refugees in the camps. Registration was also in the interest of the security of the region, as terrorist activities were increasing the permeability of the camps' borders and creating a threat for the region and beyond.

62. His Government had engaged in good faith with the United Nations to arrive at a realistic, definitive and mutually acceptable political solution on the basis of autonomy for Western Sahara. It was entirely opposed to recent attempts by the African Union to interfere in the matter. The African Union had abandoned its neutrality and prejudged, in a biased manner, the outcome of the negotiations by admitting within its membership an entity that had no attribute of

sovereignty. Furthermore, the credibility of the African Union on the issue of the Moroccan Sahara was compromised, as its position was contradictory to Security Council resolution 2218, which unambiguously indicated that a solution must be reached through a United Nations-sponsored negotiation process.

63. In submitting its autonomy initiative, Morocco had demonstrated that its efforts were serious and credible and that it was willing to end the conflict, provided that its territorial integrity was not compromised. It was now up to the other parties to engage in good faith in the political process.

64. **Mr. Boukadoum** (Observer for Algeria) said that his country was an official observer of the peace process, as confirmed by Security Council resolutions. He rejected the surprising claims made by the representative of Morocco regarding the situation in his country and invited the Special Committee to visit Western Sahara and Tindouf in order to gain an accurate picture of the situation.

65. **The Chair** said that members of the Special Committee and Non-Self-Governing Territories could rest assured that the Committee would do everything in its power to fulfil its mandate. He took it that the Special Committee wished to conclude its consideration of the question at that time and transmit all relevant documents under the item to the General Assembly to facilitate the consideration of the item in the Special Political and Decolonization Committee (Fourth Committee).

66. *It was so decided.*

*The meeting rose at 1 p.m.*