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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 3rd meeting

Held at Headquarters, New York, on Tuesday, 7 October 2008, at 3 p.m.

Chairman: Mr. Argüello (Argentina)
later: Mr. Cato (Vice-Chairman) (Philippines)
later: Mr. Argüello (Argentina)

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The meeting was called to order at 3.05 p.m.

Agenda item 33: Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (*continued*) (A/63/23 (chaps. VII and XII) and A/63/65)

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1. **Mr. Yañez-Barnuevo** (Spain), referring to agenda item 37 and the question of Gibraltar, said that United Nations resolutions had consistently recognized that Gibraltar's colonial status was in violation of the Charter because it undermined Spain's territorial integrity. It was also a doctrine of the General Assembly that in the case of Gibraltar and a few other Non-Self-Governing Territories, decolonization could occur only after the sovereignty issues were resolved. Despite arguments to the contrary, the two questions were inseparable. The Pacific Regional Seminar on Decolonization held in May 2008 had in fact confirmed the uniqueness of the decolonization of Territories where sovereignty issues were involved.

2. In 1980, Spain and the United Kingdom undertook to resolve the problem of Gibraltar in a spirit of friendship and in compliance with United Nations resolutions and, in 1984, they signed the Brussels Declaration. The Brussels Process was set in motion the following year. However, although his Government had repeatedly expressed its willingness to resume negotiations on the sovereignty issues

relating to Gibraltar, no bilateral meeting had been held since 2002.

3. Spain could not accept Britain's contention that its new constitutional decree concerning Gibraltar, ratified by a referendum in the Territory, had made the fulfilment of earlier United Nations resolutions moot. Gibraltar's status was still that of a colonial Territory. The United Kingdom's claim that it was justified in not resuming negotiations with Spain because of its commitment to the people of Gibraltar not to reach understandings regarding sovereignty without their consent was also unacceptable. The United Nations position, confirmed in successive resolutions, was that the decolonization of Gibraltar could be the result only of bilateral negotiations between Spain and the United Kingdom, in view of the sovereignty dispute and the related issue of Spain's territorial integrity. In the case of Gibraltar, the principle of self-determination therefore did not apply.

4. Nevertheless, with a view to furthering the well-being and economic development of the inhabitants of Gibraltar, Spain was determined to continue working within the Forum of Dialogue on Gibraltar, a separate framework from that of the Brussels Process. It was fully committed to dealing with questions of local cooperation in the context of the Forum, which it hoped would create the climate of cooperation needed to resolve all its differences with the United Kingdom regarding the colonial status of Gibraltar.

Agenda item 37: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of representatives of Non-Self-Governing Territories

Question of Gibraltar

5. **The Chairman** said he took it that the Committee wished to allow the Chief Minister of Gibraltar, who was present in the chamber, to address it.

6. *It was so decided.*

7. *At the invitation of the Chairman, Mr. Caruana (Chief Minister, Gibraltar) took a place at the table.*

8. **Mr. Caruana** (Chief Minister, Gibraltar) said that as far as the people and government of Gibraltar were concerned, the "question of Gibraltar" was no longer a

question of decolonization, for that had now been settled by means of a new constitutional arrangement — approved by the people of Gibraltar in a referendum of self-determination — that had established a relationship under which Gibraltar had full self-government and the kind of relations with Britain, and thus with the European Union, that the people of Gibraltar wanted. The people were now British citizens, but Gibraltar was not fully independent since the United Kingdom remained responsible for its external affairs and defence. Gibraltar's decolonization model was obviously different from that chosen by most colonial Territories in the past, namely sovereign independence. It had opted for the best model for itself.

9. The United Nations seemed to ignore the fourth acceptable decolonization model established in General Assembly resolution 2625 (XXV), namely any status freely determined by a Territory in an act of self-determination. Surely it was no less acceptable that the people of Gibraltar had chosen a relationship with Britain that gave them vastly more self-government than would be the case with integration. The anachronistic criteria for removal of a Territory from the list of Non-Self-Governing Territories, at odds with resolution 2625 (XXV), should be changed.

10. As an active participant for more than a decade in the work of the Special Committee on decolonization, his government had sadly come to the conclusion that unless the Special Committee changed its approach, it would become an obstacle to the proper decolonization of the remaining listed Territories. Gibraltar had been a victim of the Special Committee's application of the invented doctrine that when there was a sovereignty dispute affecting a Territory, the principle of self-determination did not apply to the process of its decolonization, and that the supposed national integrity of a claimant country was an acceptable decolonization consideration regardless of the wishes of the colonial people. Obviously the Special Committee had no mandate to deal with sovereignty disputes, which instead had to be dealt with on their merits and separately from decolonization and self-determination, because different principles applied. Indeed, Member States were invited to refer the issue to the International Court of Justice for an advisory opinion.

11. Since his government had broken its ties with the Special Committee and had acted alone to achieve its own decolonization, it urged the General Assembly to act directly to remove Gibraltar from its list of

Non-Self-Governing Territories. The United Kingdom continued to report under Article 73 *e* of the Charter only because the Charter required it to do so until the General Assembly delisted Gibraltar. The annual resolution adopted by the Fourth Committee on the question of Gibraltar did not represent a consensus insofar as the United Kingdom and Spain were concerned, but rather masked profound disagreement. Worse yet, the resolution traditionally considered the Brussels Process to be ongoing, even though there had been no meeting between the United Kingdom and Spain under the Brussels Declaration since 2001. The United Kingdom had properly declared that it would not restart such bilateral negotiations without Gibraltar's consent, and that was something Gibraltar would never do. The Gibraltar resolution to be adopted at the current session would have to be modified to reflect the current realities if it was to have any relevance.

12. In the new trilateral Forum of Dialogue on Gibraltar enabling discussions between Spain, Gibraltar and the United Kingdom, in which the Gibraltar government participated in its own right, Spain was free to raise the question of sovereignty. In the meantime, good agreements had been reached within the Forum and an ambitious new agenda of issues had been identified. His government warmly welcomed the very significant improvement in relations between Gibraltar and Spain in the trilateral dialogue and looked forward to building on it. The Forum was the only existing process of dialogue, and that should be recognized in the Fourth Committee's resolution.

13. *Mr. Caruana withdrew.*

Hearing of petitioners

Question of Gibraltar (A/C.4/63/2)

14. *At the invitation of the Chairman, Mr. Bossano (Leader of the Opposition, Parliament of Gibraltar) took a place at the petitioners' table.*

15. **Mr. Bossano** (Leader of the Opposition, Parliament of Gibraltar) said that he disagreed with Gibraltar's Chief Minister, who had come before the Committee to refute Spain's sovereignty claim but not to pursue Gibraltar's decolonization, which the Minister now considered complete. While agreeing that Spain's claim was untenable, the Opposition believed that the issue before the Committee was indeed the

question of decolonization, since the Committee had no jurisdiction in settling territorial disputes between Member States.

16. Under General Assembly resolution 2625 (XXV), a Territory had a separate status under the Charter of the United Nations until the people of the colony exercised the right to self-determination, which would in no way dismember the territorial integrity of a sovereign State that represented the whole of the people. Spain was not such a sovereign State and did not represent the people of Gibraltar. Spain's territorial claim to Gibraltar was, in the Territory's view, illegitimate and the United Kingdom itself had refused to reopen negotiations with Spain on the sovereignty issue without Gibraltar's consent. The United Kingdom had made it clear that in any event Spain's argument about territorial integrity was in no way relevant to Gibraltar's decolonization. The Fourth Committee's annual resolution on Gibraltar continued to call for resumption of the sovereignty negotiations between Spain and the United Kingdom and the United Kingdom continued to support the Committee's annual resolution; yet it should act consistently with its positions on the issue and stop supporting it altogether.

17. Both the current Territorial government and the United Kingdom believed that it was up to the administering Power to decide, together with the Territory, when a Territory had achieved a full measure of a self-government, and that the United Nations criteria for the decolonization process were archaic. The United Kingdom had accepted its reporting obligations under Article 73 *e* of the Charter but had chosen not to comply with the established procedures for the reporting requirement to cease. In the view of the Opposition, the guidelines for assessing the status of a Territory, adopted on the recommendation of the Fourth Committee, were neither archaic nor onerous. They had not been opposed at the time by the United Kingdom and they had been observed in other cases of emergence from colonial status. The guidelines existed to ensure consistency of treatment for all Territories and should be followed in the case of Gibraltar as well. In any case, the people of Gibraltar continued to rally in defence of their self-determination and in pursuance of their decolonization.

18. *Mr. Bossano withdrew.*

Question of Guam (A/C.4/63/3, A/C.4/63/3/Add.1-3)

19. *At the invitation of the Chairman, Ms. Guerrero (Chamoru Nation), took a place at the petitioners' table.*

20. **Ms. Guerrero** (Chamoru Nation) called on the Committee to disregard the administering Power's claims that the Chamoru people's right to self-determination was a domestic issue not involving the United Nations. The United States was drastically expanding its military and commercial presence on the island of Guam, fostering an economic and social dependency that prevented the people from preparing for decolonization.

21. The United States military already occupied one third of the island and was planning to move thousands more military personnel and their families to Guam; that would result in the Chamorus becoming a minority in their own homeland and would further exacerbate their struggle to keep their language and culture alive. Despite the absence of an approved plan for the build-up, and despite the fact that the environmental impact study — which provided for no input from the island community — had yet to be completed, the military had already begun awarding construction contracts on its bases.

22. Although the island's infrastructure was inadequate to meet the demands of the military build-up, the United States was not prepared to cover the costs of external infrastructure upgrades entailed by the build-up thus the local Government would have to assume the financial burden itself. The governor and lieutenant governor of Guam had provided input in the decision-making process but had no real influence over the build-up as a whole. She therefore called on the Committee to send representatives to the island promptly to assess the implications of the military build-up on the decolonization process of Guam, as well as the human rights implications of the United States military's continued presence on the island and to contact Guam leaders and other representatives who had already presented testimony before the Committee. She pointed out that the impact studies being conducted by the United States were likely to be self-serving.

23. *Ms. Guerrero withdrew.*

24. *At the invitation of the Chairman, Mr. Santos Perez (Guahan Indigenous Collective), took a place at the petitioners' table.*

25. **Mr. Santos Perez** (Guahan Indigenous Collective) said that the United States planned to bring in some 59,000 military personnel, dependents, business people and contract workers; as a result, the Chamoru population of the island would be outnumbered. The fact that the new arrivals were United States citizens, with voting rights, posed grave implications for the Chamorus' right to self-determination, and would devastate their environmental, social, physical and cultural health.

26. The planned build-up was already driving up real estate prices, forcing many to become homeless or to leave the island outright. Many were joining the United States military and were being killed in action at a rate five times that of the United States national average. Decades of military activities had also had serious adverse effects on the health of the Chamoru people; the incidence of cancer and neuro-degenerative diseases was high, as was the mortality rate, especially among the elderly.

27. He called on the Committee to initiate the process of decolonization for Guam, including a comprehensive and fully funded education programme to inform all Chamorus of their right to self-determination and to investigate the administering Power's non-compliance with its treaty obligations under the Charter of the United Nations to promote economic, social and cultural well-being on Guam. Finally, he called on the Committee to send representatives to the island promptly to assess the implications of the military build-up on the decolonization process of Guam, as well as the human rights implications of the United States military's continued presence on the island and to contact Guam leaders and other representatives who had already presented testimony before the Committee. He pointed out that the impact studies being conducted by the United States were likely to be self-serving.

28. *Mr. Santos Perez withdrew.*

29. *At the invitation of the Chairman, Ms. Quan (representing Mr. Pangelinan, Senator in the Guam Legislature), took a place at the petitioners' table.*

30. **Ms. Quan** (representing Mr. Pangelinan, Senator in the Guam Legislature) said that the Senator's office had recently renewed efforts to register native inhabitants of Guam and their descendants, with a view to identifying those vested with the right to self-determination. The Senator intended to request additional financial resources for that project, and

would ask the administering Power to provide financial and technical resources for the eventual holding of a plebiscite on self-determination.

31. The Senator would like the Committee to convey his petition to the representatives of the administering Power and to urge that Power to honour the Chamoru people's right to self-determination.

32. *Ms. Quan withdrew.*

33. *At the invitation of the Chairman, Mr. Tun'cap (Guam Famoksaian Collective), took a place at the petitioners' table.*

34. **Mr. Tun'cap** (Guam Famoksaian Collective) said that the continued occupation of Guam and the Northern Marianas Islands by the United States military was rooted in a system of racial inequality between the settlers of those islands and the native Chamoru people. Since their initial contact with the United States in 1898, the Chamoru people had been prevented from exercising their inalienable human rights by massive pacification and military occupation; militarized conditions continued to characterize the institutions defining American citizenship for many people in the Pacific and Caribbean colonies.

35. Over the past 20 years, the Fourth Committee had heard testimonies from numerous indigenous leaders demonstrating the connection between racial ideologies and institutional discrimination resulting from American militarism. Race continued to define the boundaries of the nation and the constituents of a militarized territory on Guam. Nevertheless, citizens for peace and justice on Guam opposed the transfer of military personnel to the island, and believed that the increased militarization on Guam was a violation of the right to self-determination of the indigenous people. The United States was responsible under international law to protect the people of the island and their culture, yet the intensified militarization of Guam and the Asia/Pacific region had placed them in grave danger.

36. He called on the Committee to give top priority to the fulfilment of the Chamoru people's right to self-determination, and to immediately initiate the process of decolonization for Guam. The Committee must investigate the administering Power's non-compliance with its treaty obligations under the Charter of the United Nations to promote economic, social and cultural well-being on Guam. He further urged the Committee to initiate the process of decolonization for

Guam, including a comprehensive and fully funded education programme to inform all Chamorus of their right to self-determination. The Committee must send representatives to the island to assess the implications of the military build-up on the decolonization process of Guam, as well as the human rights implications of the United States military's continued presence on the island and must contact Guam leaders and other representatives who had already presented testimony before the Committee.

37. He pointed out that the impact studies being conducted by the United States were likely to be self-serving. Finally, the Committee must comply with the recommendations of other United Nations agencies with regard to the holding of an expert seminar to examine the impact of the decolonization process on indigenous peoples of the Non-Self-Governing Territories, and prioritize collaboration with Chamoru organizations and experts.

38. *Mr. Tun'cap withdrew.*

Question of the United States Virgin Islands
(A/C.4/63/4)

39. *At the invitation of the Chairman, Mr. Browne took a place at the petitioners' table.*

40. **Mr. Browne**, speaking in his personal capacity, said that the United Nations should continue to support self-determination as the only principle relevant to the decolonization of the United States Virgin Islands. He expressed the hope that the United Nations would encourage the United States to end the xenophobic and discriminatory policies that had been applied to the people of the Virgin Islands over the previous nine decades.

41. Slavery and colonialism had characterized much of the history of the Virgin Islands, and his recent research indicated that the non-Danish inhabitants (primarily people of African descent) had not been officially emancipated when Denmark's West Indian colonies had been transferred to the United States in 1917. The process of emancipating those Virgin Islanders born on or before 31 March 1917 must therefore be undertaken by the United States Congress without delay.

42. *Mr. Browne withdrew.*

Question of Western Sahara (A/C.4/63/5,
A/C.4/63/5/Add.1-62)

43. *At the invitation of the Chairman, Mr. Wilson (U.S.-Western Sahara Foundation) took a place at the petitioners' table.*

44. **Mr. Wilson** (U.S.-Western Sahara Foundation) said that while the Western Sahara issue appeared to be, at last, at a point of possible resolution, a number of roadblocks remained. One of the most pressing factors was the allegations by both parties regarding human rights abuses. No meaningful progress could be accomplished until that issue had been resolved. He strongly suggested that the refugee camps in Polisario territory should be opened to free and unhindered inspection, free from Polisario observation, and all Saharans should be asked about human rights abuses they might have experienced and whether they wished to leave or remain in the camps. An accurate census could also be taken in conjunction with that process. Likewise, a similar investigation could be conducted in Western Sahara, free from Moroccan observation. Where human rights abuses were found to exist or have taken place, those responsible must be charged in criminal courts. He further suggested that such inspections should be carried out by teams from the United Nations Human Rights Council, perhaps accompanied by members of other human rights organizations concerned. Only through such inspections and investigations could the current allegations, rumours and doubts be put to rest.

45. *Mr. Wilson withdrew.*

46. *Mr. Cato (Philippines), Vice-Chairman, took the Chair.*

47. *At the invitation of the Chairman, Ms. Huff (Teach the Children International) took a place at the petitioners' table.*

48. **Ms. Huff** (Teach the Children International) suggested that, the United Nations should collect data on all aspects of the situation in Western Sahara as that would greatly help the non-governmental organizations seeking to assist the people. Currently, what little information there was regarding the situation in Western Sahara, came from the media (Algerian, Moroccan or that of the Frente POLISARIO or the United States). It would be very helpful if the United Nations could issue monthly reports and provide regular updates on its website regarding what was

happening and whether there was any dialogue on the question of Western Sahara.

49. Lack of dialogue among the parties was prolonging the suffering of the people of Western Sahara. In that connection, she wished to know whether the Organization could demand that the parties engage in dialogue. If the policy was to wait until one of the parties requested a round of talks, she said that the non-governmental organizations would like to know which of the parties had requested a new round of talks, when such a request was made.

50. Lack of reliable data was hindering the delivery of humanitarian aid to the people. Having such data would enable non-governmental organizations to be accountable to their supporters. To that end, she suggested that an independent committee or reporting agency be established to collect data on a broad range of concerns. Other helpful actions would be to establish committees in the refugee camps to oversee aid distribution so as to determine accurately how many people lived in the camps and how many lived under Moroccan occupation. It would also be useful to know how many people were moving between the refugee camps and Mauritania. Such movement currently took place without any oversight.

51. Finally, she urged the Committee to inform the public about what was going on so as to keep the issue in the forefront of the news, and to ensure that the parties had dialogue on a regular basis.

52. *Ms. Huff withdrew.*

53. *At the invitation of the Chairman, Ms. Hardin (Chief of Staff, United States Congressman Zach Wamp) took a place at the petitioners' table.*

54. **Ms. Hardin** (Chief of Staff, United States Congressman Zach Wamp) said that the people of Western Sahara continued to rely almost completely on humanitarian assistance in order to survive. The lack of variety in the food aid and the limited availability of fresh fruits and vegetables had resulted in high levels of chronic malnutrition among children. The absence of meaningful work, coupled with the arid land and remote location of the camps, had made it virtually impossible for the refugees to generate income for themselves and their families.

55. Yet, despite the hardships they had endured, the people still held hope for the future. Children's school attendance rates were high, particularly in the early

grades. The literacy rate for women in the camps was also high, in stark contrast to other countries in the region. Women played a prominent role in society and enjoyed equality with men under the constitution. The strong respect that was held for women and the role they had played in developing their nation served as a compelling example in a region where women's rights were non-existent.

56. Although the people were bitter after years of unfulfilled promises for a referendum on self-determination, they still dreamed of returning to their homeland. Their only hope of living that dream was for Member States to take action in order to end their exile.

57. *Ms. Hardin withdrew.*

58. *At the invitation of the Chairman, Ms. Lenz (Christ the Rock Community Church) took a place at the petitioners' table.*

59. **Ms. Lenz** (Christ the Rock Community Church) said that she had been unable to turn her back on the human tragedy she had witnessed in Western Sahara, her own life having been one of security and privilege. The people were caught in the midst of political deadlocks. Mothers wished only that their children would be healthy, educated and free, yet food supplies continued to diminish and their children's futures remained at the mercy of Governments. Deprived of passports and national rights, they would always be refugees. Members of the older generation, longed to return to their homeland, to walk the sands again with their herds. Every family had been torn apart. Meanwhile, the occupying forces had spread a blanket of fear over the people. Deprived of a voice, they were not free to express their own linguistic and cultural identity. Their lives were largely on hold as they awaited the referendum that had been promised them almost 20 years previously and tensions in the camps were mounting. Urgent action was needed in order to prevent an even more disastrous human tragedy. The Saharawi people deserved an official apology.

60. *Ms. Lenz withdrew.*

61. *At the invitation of the Chairman, Ms. Abba Hemeida (student) took a place at the petitioners' table.*

62. **Ms. Abba Hemeida** (student) recalled that the people had been living in refugee camps and enduring the harshest of conditions for nearly three decades,

waiting for the opportunity to exercise their right to self-determination. Those living in Moroccan-occupied Western Sahara were unjustly tortured, raped or beaten merely for speaking out in favour of a free Western Sahara.

63. Meanwhile, Morocco had set forth an autonomy plan under which sovereignty over Western Sahara would pass to Morocco. Should that plan be implemented, it would force the Saharans to integrate into Morocco, eradicating their rights as a nation and their identity as a people.

64. The endless waiting and suffering of the people and the violation of their human rights by the Moroccan authorities must cease. The time had come to hold a referendum and allow the people to exercise their right to self-determination.

65. *Ms. Abba Hemeida withdrew.*

66. *At the invitation of the Chairman, Mr. Chapaux (research fellow at the Université Libre de Bruxelles) took a place at the petitioners' table.*

67. **Mr. Chapaux**, speaking in his personal capacity, said that international law was on the side of the people and their right to self-determination, yet Morocco still occupied that territory. However, attempts were being made, including at the United Nations, to convince members of the Special Committee that the people ought to give up their rights in the face of the fait accompli of the Moroccan occupation.

68. In respect of the inalienable right to self-determination, international law was clear: neither the passage of time nor the fact that the people had yet to exercise that right could extinguish Member States' legal obligations; those obligations could only be modified by Member States themselves. The question was whether they had decided to do so by dealing with the conflict in Western Sahara pragmatically — a horrible word that implied that the end justified the means. Clearly they had not done so, inasmuch as the Special Committee continued to uphold the right of the people of Western Sahara to self-determination and to reject the fait accompli of Moroccan occupation. Right could not grow out of injustice. The law took precedence over the facts on the ground. Morocco had no right to exploit the natural resources of Western Sahara and it should withdraw its annexation plan in favour of self-determination for the people.

69. *Mr. Chapaux withdrew.*

70. *At the invitation of the Chairman, Ms. Teuwen (Oxfam-Solidarité) took a place at the petitioners' table.*

71. **Ms. Teuwen** (Oxfam-Solidarité) said that, according to the Saharan Red Crescent, conditions in the refugee camps were alarming. Food warehouses were empty, there was no buffer stock and health problems had begun to occur with increasing regularity. In addition, delivery of basic food aid by the World Food Programme (WFP) was irregular. The explanation most frequently given for the situation was that donor countries had not contributed sufficiently.

72. Until a just and lasting solution to the question of Western Sahara was found, it was essential to ensure regular and timely deliveries of food aid to the refugee camps, to diversify the basic food basket and the complimentary items and to take immediate steps to create a buffer stock.

73. *Ms. Teuwen withdrew.*

74. *Mr. Argüello (Argentina), Chairman, resumed the Chair.*

75. *At the invitation of the Chairman, Ms. Bachir-Abderahman (Saharawi Youth Union) took a place at the petitioners' table.*

76. **Ms. Bachir-Abderahman** (Saharawi Youth Union) said that since it first occupied Western Sahara in 1975, the Moroccan Government had brought in thousands of Moroccan settlers. In addition to committing human rights violations in Western Sahara, Morocco was exploiting the territory's natural resources.

77. Educational facilities in the refugee camps were so poor that children were forced to leave their families in order to attend boarding schools in far-away northern Algeria. Some had gone as far as Libya, Spain and Cuba in pursuit of primary education. Meanwhile, Saharan university students in Morocco had been attacked by the police. One student had been thrown out of a fourth floor window and had suffered a broken neck.

78. It was unacceptable that any individual should be tortured when there were organizations such as the United Nations. She urged Member States to cease ignoring the question of Western Sahara and to put an end to the violation of the people's human rights.

79. *Ms. Bachir-Abderahman withdrew.*

80. *At the invitation of the Chairman, Ms. Basinet (actress/recording artist) took a place at the petitioners' table.*

81. **Ms. Basinet**, speaking in her personal capacity, described conditions in the camps, where temperatures now reached a blistering 125°F (52°C) or more. The international community had a moral responsibility to help the Saharan people, for they were entirely dependent on international aid. Anaemia, diabetes, tuberculosis and acute malnutrition were common, as were diarrhoea in the summer and respiratory infections in the winter. Many children were deaf or hearing impaired due to wind, sand and untreated diseases such as meningitis. She called for systematic checking of children's hearing and for the training of specialist teachers.

82. Landmines remained a source of deep concern — and had recently claimed the life of an eight-year-old child — as was the prohibitively expensive prices of basic necessities such as camel meat, potatoes and milk. People living abroad were unable to bring their families to join them, since Western Sahara was not recognized by the United Nations, nor were its documents and passports. The international community could not continue to stand by while an entire society was slowly wiped off the face of the earth.

83. *Ms. Basinet withdrew.*

84. *At the invitation of the Chairman, Monseigneur Abboud took a place at the petitioners' table.*

85. **Monseigneur Abboud**, speaking in his personal capacity as an international jurist and Catholic ecclesiastic, said that a special criminal court should be established to investigate the serious human rights violations perpetrated by the Frente POLISARIO, including against its own supporters. Testimonies of victims and their families, as well as photographs of bodies, provided irrefutable evidence of torture and other crimes against humanity, including genocide and even cannibalism. The horrors were escalating, underlying the urgency of an international enquiry into human rights violations in the Tindouf camps in Algeria. A representative of the Frente POLISARIO in Brussels had acknowledged the existence of prisons in the camps, as well as the abuses committed. The Governments of Algeria, Morocco and Mauritania must take immediate action to arrest those responsible.

86. *Monseigneur Abboud withdrew.*

87. *At the invitation of the Chairman, Ms. Bourgeois (Med Euro Cap) took a place at the petitioners' table.*

88. **Ms. Bourgeois** (Med Euro Cap) agreed that an international criminal court should be established as a matter of urgency to investigate the crimes committed by the Frente POLISARIO. She wished, in particular, to denounce the serious human rights violations committed in Tindouf, Algeria. During a recent visit to Mauritania, she had interviewed former detainees, as well as the families of disappeared and detained persons, and had been shocked to learn of the barbaric and cruel treatment to which they had been subjected. Kidnapping, enforced disappearances and physical and psychological violence were on the increase, including crimes against humanity such as genocide and cannibalism. A detailed report on the horrors had been submitted to the Secretary-General, in the hope that the situation would be addressed as a matter of extreme urgency.

89. *Ms. Bourgeois withdrew.*

90. *At the invitation of the Chairman, Mr. Ortiz Asín (Forum Canario-Saharai) took a place at the petitioners' table.*

91. **Mr. Ortiz Asín** (Forum Canario-Saharai) said that his organization had been founded in order to help the Saharan people return to their homeland. Although Spain no longer administered Western Sahara, it was still concerned about the future of the Saharan people, who had lived in freedom and harmony with continental Spain.

92. Spanish administration had produced important social and economic changes in the territory, which were reflected in the modernization of its cities and the development of its agriculture, fisheries and livestock. Thirty-three years of Moroccan administration had resulted in undeniable changes to the territory, which were made plainly evident by the lack of natural resources.

93. Morocco and the Frente POLISARIO had held five rounds of talks over the past 18 years; thus far the talks had yielded few results. The deadlock was endangering the stability, security, development and future of the region. Meanwhile, the humanitarian situation in the refugee camps was grave.

94. It was imperative to reach a negotiated settlement to the question of Western Sahara under the auspices of the United Nations. The proposal of the Moroccan Government to establish a fully fledged autonomous

region for the Saharan people might be considered an acceptable solution given that a similar system of regional political and economic autonomy had produced positive results in Spain.

95. His organization called on Morocco and the Frente POLISARIO to arrive urgently at a just and conclusive solution to the conflict in Western Sahara, within the framework of the United Nations and in accordance with international law, in order to end the suffering of the Saharan people.

96. *Mr. Ortiz Asín withdrew.*

97. *At the invitation of the Chairman, Mr. Briones Vives (International Association of Jurists for Western Sahara) took a place at the petitioners' table.*

98. **Mr. Briones Vives** (International Association of Jurists for Western Sahara) called for the strengthening of the United Nations Mission for the Referendum in Western Sahara (MINURSO) and the appointment of a rapporteur for Western Sahara. Morocco was guilty of violations of international law on two counts: attempting to expand its territory by force and denying the people inalienable right to self-determination. The fact that some Security Council members continued to support Morocco's position reflected a lack of will on the part of the most influential members of the Security Council. The claims of the people were legitimate; those of Morocco were not. The Personal Envoy of the Secretary-General for Western Sahara, Peter van Walsum, alone had dared to maintain that international legality was on the side of the Frente POLISARIO. After more than 30 years of institution-building, the Sahraoui nation was an irreversible reality.

99. *Mr. Briones Vives withdrew.*

Right of reply

100. **Sir John Sawers** (United Kingdom), referring to the statement made by the representative of Spain concerning Gibraltar, said that the United Kingdom welcomed the continued progress of the trilateral process of dialogue among the Governments of the United Kingdom, Spain and Gibraltar, including an ambitious programme of work agreed across six new areas of cooperation. The agreements already reached were having a tangible impact on the quality of life of thousands of people in both Gibraltar and Spain. Those agreements were without prejudice to the respective positions of the United Kingdom and Spain on

sovereignty, on which the United Nations had not taken a view.

101. The new constitution of Gibraltar provided for a modern relationship between Gibraltar and the United Kingdom. It was regrettable that the outdated approach of the Special Committee on decolonization seemed not yet to have allowed for that to be recognized. The criteria used by the Committee to determine whether a Non-Self-Governing Territory should be "de-listed" failed to take into account the fact that the relationship between the United Kingdom and Gibraltar had been modernized in a manner acceptable to both sides. Gibraltar was now politically mature, and its relationship with the United Kingdom was non-colonial in nature.

102. As a separate territory recognized by the United Nations, Gibraltar enjoyed the individual and collective rights accorded by the United Nations Charter. The new constitution therefore confirmed the right to self-determination of the Gibraltarian people. That right was not constrained by the Treaty of Utrecht except in so far as it gave Spain the right of refusal should Britain ever renounce sovereignty. Thus independence would only be an option with Spanish consent. His Government recognized that the act of deciding, in the referendum, to accept the new constitution was an exercise of the right of self-determination by the Gibraltarian people. The referendum constituted a democratic, lawful and entirely proper act.

103. The United Kingdom retained full international responsibility for Gibraltar including its external relations and defence, in full accord with the freely expressed wishes of the people of Gibraltar. His Government did not accept that the principle of territorial integrity had ever been applicable to the decolonization of Gibraltar, nor that the existence of a sovereignty dispute implied that the people of Gibraltar did not have the right to self-determination.

104. The United Kingdom reaffirmed its long-standing commitment to the people of Gibraltar that it would never enter into arrangements under which they would pass under the sovereignty of another State against their wishes, and any reference to the Brussels Process needed to be understood in that context. It continued to enjoy very cordial relations with Spain and would continue to work amicably with it on all Gibraltar-related issues.

The meeting rose at 6 p.m.