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Special Committee on
Decolonization
13th Meeting (AM)

DECOLONIZATION COMMITTEE APPROVES TEXTS ON TOKELAU, NEW CALEDONIA

In a resolution adopted by consensus this morning, the Special Committee on decolonization asked the General Assembly to welcome the substantial progress made in Tokelau to hand over power to the island's three village councils -- or taupulega -- and to enable each one to assume full responsibility for managing its own public services -- both stepping stones towards eventual self-government.

The text also called on the Assembly to acknowledge Tokelau's need for continued support towards self-rule by calling upon the administering Power and United Nations agencies to continue to help Tokelau further develop its economy and governance structures, as well as by welcoming creation of and encouraging Member States to contribute to the Tokelau International Trust Fund.

Addressing the Special Committee meeting, Neil Walter, the Administrator of Tokelau, said it was surprising and disappointing that Tokelau had failed to garner enough votes to approve the February referendum to become self-governing in free association with New Zealand. For three decades, Tokelau had been steadily developing its capacity for self-government, establishing its own political and governance systems and judiciary, as well as full control over its budget. In addition, much had been done to frame a draft constitution and a draft treaty of free association, which reflected the equal partnership that had developed between Tokelau and New Zealand in recent years. Both texts had been endorsed by Tokelau's General Fono and New Zealand's Cabinet. For its part, New Zealand would continue to respect the right of Tokelau to determine the direction and pace of political change.

Faipule Kolouei O'Brien, Titular Head of Tokelau, said that, since the referendum, the Tokelauan people had reflected on the vote and regrouped. After several meetings, the General Fono decided to continue working towards full self-government in free association with New Zealand and would set in August a date for a new referendum. Tokelau's relationship with New Zealand remained strong, he added, noting that the two sides were negotiating the terms of the 2007-2009 budget, as well as improvements to health, education, shipping and village development. Better communication and transport would help strengthen Tokelau internally, as well as its link to the outside world. He expressed hope that the guidance and support of the United Nations and the Special Committee would not waver as Tokelau progressed towards self-determination.

Adopting another draft resolution this morning as orally revised on the question of New Caledonia, the Special Committee asked the Assembly to urge all parties involved in that territorial dispute to maintain their dialogue in the spirit of harmony, as well as call upon the administering Power -- the Government of France -- to continue to transmit to the Secretary-General information as required under Article 73 e of the United Nations Charter.

The resolution also took note of the concerns expressed by some indigenous groups in New Caledonia over their underrepresentation in the Territory's governmental and social structures and called for a continuous review of the process unfolding there since the signing of the Nouméa Accord. Further, it asked the Assembly to invite all parties involved to continue to promote peaceful progress towards self-determination that would safeguard the rights of all sectors of New Caledonia's population, as well as to welcome steps to strengthen and diversify

its economy.

Before closing the Special Committee's 2006 session, Chairman Julian R. Hunte (Saint Lucia) said adoption of the Report of the Special Committee would be deferred until Friday, 30 June.

The representatives of Papua New Guinea, Iran, Russian Federation, Democratic Republic of the Congo, Dominica, Saint Vincent and the Grenadines, Syria and Cuba also made statements.

Committee Secretary Sergei Cherniavsky also made a statement.

Background

The Special Committee on decolonization was expected to take action on a draft resolution on the Question of New Caledonia (documents A/AC.109/2006/L.13 and A/AC.109/2006/L.13/Corr.1) and a draft on the Question of Tokelau (document A/AC.109/2006/L.15).

The Special Committee also had before it a working paper prepared by the Secretariat on New Caledonia (document A/AC.109/2006/14) that contains a general overview of the Territory, as well as information on the political situation (including governmental structures, recent developments and external relations), economic data and developments (including on labour, mineral resources, tourism and other economic sectors), and the United Nations' consideration of the issue (including in the Special Committee, the General Assembly and its Special Political and Decolonization Committee).

Also before the Special Committee was a working paper prepared by the Secretariat on Tokelau (document A/AC.109/2006/10) that contains a general overview of the Territory, as well as information on recent constitutional and political developments, external relations, economic conditions (including economic developments, public services, transport and communications and the power supply), social conditions (including education, health and the status of women), the United Nations' consideration of the issue (including in the Special Committee, the General Assembly and its Special Political and Decolonization Committee), and the Territory's future status (including the position of the administering Power and the that of the people of Tokelau).

The Special Committee also had before it a Report of the Special Committee (document A/AC.109/2006/CRP.2), which addresses the question of holding a series of meetings away from Headquarters; representation at seminars, meetings and conferences of intergovernmental and other organizations; the pattern of conferences, control and limitation of documentation; the question of the list of Territories to which the Declaration is applicable; the Second International Decade for the Eradication of Colonialism; and participation of representatives of Non-Self Governing Territories in the Special Committee's work.

Question of New Caledonia

ROBERT AISI (Papua New Guinea), introducing the draft resolution on the Question of New Caledonia (document A/AC.109/2006/L.13), said that he endorsed the draft resolution and the language as endorsed by the Special Committee at its informal meeting last week; however, after consultations with the administering power, France, there were some slight amendments. The previously revised operative paragraph 2 was now operative paragraph 4 and should read "takes note of the concerns expressed by a group of indigenous peoples in New Caledonia regarding their underrepresentation in the Territory's governmental and social structures". Operative paragraph 10 should now read "welcomes the intention expressed by the French authorities to resolve in the coming years the question of voter registration".

In endorsing the changes, he said he would like to remind the Committee and the administering Powers of their obligations under the Charter to continue to transmit to the Secretary-General information on developments in New Caledonia and other Territories. He said that the insertion of operative paragraph 4 in the resolution reflected the voice of the indigenous peoples of New Caledonia in their efforts to participate in the process of self-determination. He hoped that it would be the beginning of the inclusion of their concerns in the resolution and that the Committee would adopt the resolution by consensus.

HOSSEIN MALEKI (Iran) compared the current text on New Caledonia with the original text presented on the first day it was under consideration. He said that the presence of the representative of France on the Committee had forced the watering down of the text. The most important part of that text, the non-representation of people in the Territory, was opposed by France. What had been accepted -- the change from "non-representation" to "underrepresentation" -- was a big change. He asked whether the original report had been based on false information. The current wording meant that the indigenous people had some representation; originally, it had been understood that they had no representation. It was strange to accept that text under the pressure of the administering Power.

He pointed out that the amendment in operative paragraph 10 would now refer to resolving the question of voter registration "in the coming years". He asked whether that meant in a century or in 1,000 years from now. The original text had specified that the President of France would do so before the end of his term. He was willing to go along with the decision of the Committee, however.

JULIAN R. HUNTE (Saint Lucia), the Special Committee Chairman, responded that a corrigendum had been issued regarding changing "non-representation" to "underrepresentation". He understood that the change had been the result of a technical error. The United Nations was a consensus organization, and often in such matters one had to look at the language and refine it in the interests of all concerned. He said he did not believe that the changes did any violence to the resolution's intent.

Mr. AISI (Papua New Guinea) said that the resolution was a consensus one. He added that, if there had been better reporting in the present case, the misunderstandings could have been avoided. The administering Powers had the obligation to report, and to help the Committee do its work.

The CHAIRMAN reminded the Committee that Article 73(b) of the United Nations Charter laid the onus on the administering Power to move the country and its political institutions forward. Often, resolutions were prepared in a vacuum; it was important not to read Article 73 (b) in isolation.

The Committee then adopted the resolution, as orally revised, without a vote.

Question of Tokelau

Introducing the draft resolution on the Question of Tokelau (document A/AC.109/2006/L.15), the CHAIRMAN drew the Committee's attention to the working paper on Tokelau prepared by the Secretariat (document A/AC.109/2006/10). He said that New Zealand was an administering Power to emulate. Other such Powers did not cooperate on a consistent basis. If other administering Powers followed the example of New Zealand, the United Nations would be much further along in implementing its decolonization mandate.

FAIPULE KOLOUEI O'BRIEN, Titular Head of Tokelau, said that Tokelau had conducted, with the full support of the United Nations and the New Zealand Government, a referendum in February during which the people of the Territory were asked to accept or reject a proposal "that Tokelau become a self-governing State in free association with New Zealand on the basis of the Constitution and the Treaty". Ninety-five per cent of registered votes had participated. The proposal required 66 per cent of all votes for approval. It was rejected because only 60 per cent had voted in favour. Tokelau, therefore, remained a Non-Self Governing Territory of New Zealand.

He said he and the Council would continue to serve Tokelau to the best of their ability. The General Fono would maintain authority in dealing with issues at the national level, and the Council of Elders with matters at the village level. Through an Administrator, New Zealand would continue to have overall responsibility of administration of Tokelau's executive government. Tokelau would remain on the United Nations list of Non-Self-Governing Territories. Under Article 73 of the United Nations Charter, New Zealand would continue to work with Tokelau to strengthen internal self-government with a view towards eventual decolonization by a future vote.

Since the referendum, the people of Tokelau had reflected on the vote and regrouped, he continued. Each village had reviewed the results. He said he had met with all of the villages' Council of Elders and had briefed communities and senior officials of the Government of New Zealand. The General Fono had discussed the referendum results in two meetings. During the last meeting, it had been decided to continue towards full self-government in free association with New Zealand, and that in August officials would agree "to a new timing to hold a further self-determination referendum". It was necessary to listen to the people of the Territory.

Tokelau's relationship with New Zealand remained strong and continued as usual, and the two sides were negotiating the terms of the 2007-2009 budget. In preparation, Tokelau had reviewed the July 2004 devolution of services to the villages, as well as improved consolidation, coordination and communications. Tokelau's capacity was also under review, he added, noting likely improvements to health, education and shipping and the importance of village development and better communications. Shipping was vital for Tokelau's communication and transport to the outside world, and provided security and could help strengthen the Government. Tokelau had no air transportation. Information technology developments provided a real opportunity to link Tokelau internally and with other nations and to improve education and health services.

Tokelau's relationship with the United Nations, particularly the Special Committee, also remained strong. In recent years, Tokelau had developed its relationship with the United Nations Development Programme (UNDP) and had received considerable UNDP assistance in good governance, information technology, renewable energy, sustainable development and support for self-determination. When Cyclone Percy struck Tokelau in 2005, the United Nations response had been immediate and substantial. He expressed hope that the guidance and support of the United Nations and the Special Committee would not waver as Tokelau progressed towards self-determination.

NEIL WALTER, the Administrator of Tokelau, said that failure of the proposal for Tokelau to become self-governing in free association with New Zealand had come as a surprise and disappointment. An immense amount of work had gone into framing a draft constitution and a draft treaty of free association. High-level discussions had taken place several times between Tokelau and New Zealand, and intensive consultations had been held in all three villages of Tokelau and with the main Tokelauan communities in New Zealand. The final texts were endorsed by Tokelau's General Fono and New Zealand's Cabinet.

He said the proposed status was not, in any way, a gamble or an act of faith for Tokelau. For three decades, it had been steadily developing its capacity for self-government and had, in practice, been running itself for some time under delegated authority from the Administrator. It had its own political and governance systems and its own judicial system, as well as full control over its budget. It ran its own public services and had membership in a wide range of regional and international organizations.

He said that, as Tokelau had progressively taken on responsibility for its own affairs, New Zealand had increasingly been playing a supporting role. The 2003 Joint Statement on the Principles of Partnership had set out in writing for the first time the rights and responsibilities of both countries. The past few years had seen steady increases in budgetary support from New Zealand. A start had been made on designing a programme to preserve and strengthen Tokelau's language and culture both in Tokelau and in New Zealand.

He said the relationship between New Zealand and Tokelau was squarely based on the principles of equal partnership. The draft constitution and draft treaty of free association reflected and affirmed that. He reaffirmed to the Committee that New Zealand would continue to do what it could to promote the well-being of the people of Tokelau and to encourage their movement towards self-government. At the same time, it would continue to respect the right of Tokelau to determine both the direction and the pace of political change and would continue to cooperate with the Special Committee in discharging those responsibilities.

Introducing, also on behalf of Fiji, the draft on the question of Tokelau (document A/AC.109/2006/L.15), Mr. AISI (Papua New Guinea) recognized the hard work of the Governments of Tokelau and New Zealand in this issue of self-determination and for showing that positive results could come from mutual cooperation, trust and goodwill. He said he hoped that other Territories and administering Powers would learn from the Tokelau process. He wished the people of Tokelau success if and when they considered revisiting the referendum

package in the future. Although the result of the recent referendum had not been in favour of self-government in free association with New Zealand, it did, in fact, expose the people of Tokelau in better understanding the issues related to self-determination and such experiences learned could be built on.

Draft Report of Special Committee

The Chairman, Mr. HUNTE (Saint Lucia), then introduced the draft report of the Special Committee (document A/AC.109/2006/CRP.2). He said the report contained decisions and recommendations of the Special Committee on holding a series of meetings away from Headquarters, representation at seminars, meetings and conferences, the pattern of conferences, control and limitation of documentation, the list of Territories, and the participation of representatives of Non-Self-Governing Territories in the Committee's work.

Changes included a proposal to appoint an independent expert and alter the funding guidelines. He said an important element of the Committee's goal of achieving universal self-government by 2010 was the provision of an independent expert to carry out research and analysis on the decolonization process in small Territories. Many United Nations bodies drew on the expertise of independent experts and special rapporteurs, which were not part of the Secretariat and in no way conflicted with its work. They took on specific tasks and presented their findings to intergovernmental bodies. Under that mechanism, such appointments carried no budgetary implications.

Regarding the appointment of Dr. Carlyle Corbin, an independent expert, he wished to note that Dr. Corbin had broad contacts in the Caribbean and Pacific regions.

The other new reference was designed to update the guidelines for the participation of the representatives of Non-Self-Governing Territories. The reimbursement by the United Nations of the expenses relating to participation in the Committee's work should be extended to selected regional experts since that would serve to further inform the Special Committee. The broader use of that facility would be based on the availability of resources.

ALBERT SITNIKOV (Russian Federation) said he supported the appointment of Dr. Corbin as an independent expert and appreciated his deep knowledge on decolonization. He could not support the recommendation in paragraph 15 on facilitating the participation of experts based on the resources available, given the present difficult situation with the United Nations budget.

LUC JOSEPH OKIO (Democratic Republic of the Congo) said he very much appreciated Dr. Corbin's contribution to the Committee and supported his appointment as an independent expert. He said he wished to hear more information about the budget implications. If there were none, he would have no reservations. As for improving the work of the Committee in the future, if other experts were available under the same circumstances, he would have no objection to expanding the circle of experts.

CRISPIN GREGOIRE (Dominica) said he supported without hesitation the appointment of Dr. Corbin, who would be a wonderful addition to the work of the Committee. It was important that there be no budgetary implications.

MARGARET HUGHES-FERRARI (Saint Vincent and the Grenadines) said she supported the appointment of Dr. Corbin only on the basis that there would be no budgetary implications. She also pointed out that Dr. Corbin was a representative of the elected Government of one of the Non-Self-Governing Territories. She would like assurance that that would not affect his independence.

HAYDAR ALI AHMAD (Syria) said he supported the appointment. Dr. Corbin had a long experience in decolonization, which would certainly help in the preparation of reports in a professional and timely manner.

Mr. AISI (Papua New Guinea) said that, as long as there were no budgetary implications, the appointment of Dr. Corbin was not opposed. Given the number of years left in the decolonization mandate, it was necessary to find different ways to do the work and meet the deadline. Perhaps the suggestion by the representative of the Democratic Republic of the

Congo of having a panel of experts could be considered as a way to fast track the Committee's work, since time was of the essence. He supported that proposal as long as there were no budgetary implications.

Mr. MALEKI (Iran) said Dr. Corbin's knowledge and expertise were acceptable, but the fact that he was the representative of a Non-Self-Governing Territory raised questions about giving him the title of independent expert. Also, he was concerned about the fact that members of the Committee had only received notice of the appointment today. He wanted to know what the position of such an independent expert would be within the United Nations system and whether it would be considered as a post, even though it might not entail any cost. Those questions should be answered and dealt with in a forum like the Fifth Committee. He said he had no problem personally, but his Government was not yet aware of the report. Those questions should be duly answered, and then his Government would be able to decide.

The Chairman, Mr. HUNTE (Saint Lucia), said he had been advised of the report a few days earlier and was surprised that it was the first time the delegate of Iran was seeing it. He offered his apologies for the short notice and said that Dr. Corbin would no longer be employed by or connected to the Government of the United States Virgin Islands.

He said the appointment of special experts and special rapporteurs was nothing new in the United Nations system. For example, in the case of the Human Rights Commission, individuals who served in such roles would be independent and unpaid and would serve for a period of six years. As for extending the reimbursement of the expenses of experts on the basis of the availability of resources, that did not represent a commitment. He said that, if the Russian delegation felt that did violence to the principle of the perilous state of United Nations finances, then he would take another look at it.

Mr. SITNIKOV (Russian Federation) said that, personally, he could support the text, but he had only just received it and his capital had instructed him that the matter must also be taken up in the Fifth Committee. If it turned out that there were budgetary concerns, his delegation could not support the recommendation.

REBECA HERNÁNDEZ TOLEDANO (Cuba) said she supported the report and was pleased at the idea of appointing Dr. Corbin as an expert. She asked for clarification on whether previous independent experts had been appointed for six years, and if that would be the case for Dr. Corbin. It appeared that the draft report did not clearly outline the period of time for which Dr. Corbin would serve, and she would like an agreement to be reached on that point. Noting that the current report would, at some point, go before the Fifth Committee, she asked whether that Committee could decide that the report had budget implications, even though the Chairman said it did not, and whether that Committee might accept or reject the proposal.

The CHAIRMAN said that the appointment would be for three years and that the Fifth Committee would have to further adjudicate the subject.

The Committee SECRETARY said that, in view of the scope of the activities of the independent expert, the draft decision had been forwarded to the Office of Programme Planning, Budget and Accounts in connection with its implications. Should the decision give rise to financial considerations, it would be brought to the Special Committee's attention and submitted for consideration to the relevant General Assembly administrative and budget committees in accordance with established procedures.

Mr. MALEKI (Iran) said that independent experts were asked to fulfil their role with independence and present their findings while serving on a part-time basis. He asked whether the United Nations would have to pay for that and also whether asking such experts to work free of charge was realistic.

The CHAIRMAN said the idea was nothing new. The independent expert would seek funding from private sources. In the realm of consultancies, it was not unusual for funding to be found elsewhere. When the United Nations had two independent experts in Bermuda, for example, it only paid for one of them.

Ms. HUGHES-FERRARI (Saint Vincent and the Grenadines) said that she had only seen the report for the first time yesterday and had not been able to send it to her capital for

instructions. She suggested holding further discussions in order to give the Committee members more time to consider the report.

Mr. HUNTE (Saint Lucia) said the resolution had been with the Secretary for several days, yet he had just received a statement from the Secretary at 9:30 this morning. He asked the Committee whether it would be acceptable to defer a decision on the resolution in order to allow more consultation and also to refer the matter to the Fifth Committee for a decision in the meantime. He promised to intervene personally to make sure that the report made it to the Fifth Committee.

Mr. SITNIKOV (Russian Federation) said that would be a good way to proceed because clearly time was needed to examine the problem, and the competence of the Fifth Committee was necessary.

Mr. MALEKI (Iran) said he also agreed with that idea.

Mr. HUNTE (Saint Lucia) said that it was so decided that further consultations would take place and that the matter would be referred to the Fifth Committee for consideration. The Special Committee would take up the matter again at 3 p.m. on 30 June.

He then turned the Special Committee's attention to the re-scheduling of the 2006 Pacific Regional Seminar. He said it was extremely important that the integrity of the regional nature of the Seminar be maintained. He had held informal discussions with two Member States on the possibility of hosting the session in early August and other Member States had also indicated their interest in doing so. That would require the approval of the host country and preparation.

He said the people of the Pacific island territories must have the opportunity every two years to express their views to the Special Committee, as their issues were of great concern. He then urged the Special Committee to move forward to make sure the regional seminar was held.

The Special Committee then authorized the Rapporteur to directly submit to the General Assembly the Special Committee's report covering various items, which had already been considered.

Closing Remarks

In closing the session, Mr. HUNTE said that, although some issues remained in stalemate, the Special Committee had shown increased flexibility. That was evident in the shift from the limited "visiting mission", where the Special Committee mostly listened to the views of the people in the Territory, to the more interactive "special mission", where it actually engaged with them on their concerns and included experts to elaborate on how the wider United Nations system could assist and counsel them on the relevance of international law to their self-determination process.

The Special Committee had integrated new information and strategies and had introduced explanatory notes to explain new and updated language in its resolutions. It had also introduced summaries and explanations of key debates such as the question of Puerto Rico and the minimum standards of self-government in Gibraltar. The resolutions reflected new developments in the small island Territories, which were referenced in several working papers. The resolutions also requested enhanced information on the decolonization website, given the availability of material on such issues throughout the United Nations system. The Chairman said he would meet next month with representatives of specialized agencies on including the Non-Self-Governing Territories in their work.

The studies and analyses called for in the Plan of Action of the first and second International Decades for the Eradication of Colonialism were critical to helping to complete the decolonization process in those Territories by 2010, he said. Consideration should be given to reordering the 10 points of the case-by-case approach to analysing the Territories' political and constitutional status before engaging the administering Powers.

He said the Special Committee also recognized the importance of the Plan of

Implementation of the Decolonization mandate, contained in document A/60/853-E/2006/75, which stated that independent experts could provide critical and comprehensive analysis of the situation on the ground in the small Territories. That was particularly important since the Special Committee often had limited access to the Territories.

The Special Committee would continue to hear the positions of all sides during its annual consideration of issues that remained in stalemate, he stated, and advisory opinions from the United Nations Office of Legal Affairs could provide clarity on such issues. The International Court of Justice also had opinions on self-determination matters. There appeared to be overwhelming support at the end of the debate on Puerto Rico for the General Assembly to take up its question of self-determination. Some had called for relisting the Territory. While noting that only the General Assembly could decide whether to place new items on its agenda, he said it was important to recognize that the Puerto Rican people looked to the Special Committee for solutions. The Chairman said he had also received correspondence from various political groups and officials on issues outside the Special Committee's competence, including French Polynesia, territory formerly known as the Netherlands New Guinea, and several islands of the Netherlands Antilles.

Mr. MALEKI ([Iran](#)) thanked the Chairman for his statement, but said that his reference to communication from "new lands" or "semi-colonized lands" had raised new questions. He expressed the wish that members of the Committee could be informed of those communications earlier. Otherwise, the statement had been very informative.

The CHAIRMAN said that it had been an honour to be involved in the Committee, which held particular significance for all who had gone through the decolonization process, knew what it was like and wanted to see the process through.

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