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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**

2014 Pacific regional seminar

Elements for the development of a substantive Declaration

by

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Implementation of the Declaration on the Granting of Independence to Colonial
Countries and Peoples**

Nadi, Fiji, 21 May 2014

Excellencies,
Distinguished delegates,
Ladies and gentlemen:

It is an honour for me to chair this regional seminar, the first that I have attended in my capacity as Chair of this important Committee.

This regional seminar is being held at a time when the Special Committee has successfully taken a number of initiatives to accelerate its work: informal consultations with the administering Powers and other stakeholders, enlargement of the Bureau and the recent visiting mission to New Caledonia.

At this moment in history, continuing to speak of Non-Self-Governing Territories and colonies is an anachronistic aberration. The fact that the Committee is now more “visible” and “active”, as the Secretary-General said in his message, means that while much remains to be done, we are nonetheless on track to reach one of the foundational aims of our Organization: an absolute, definitive end to colonialism in all its forms and manifestations.

Throughout the decolonization process, much has been said about the role of the United Nations in general and the Special Committee in particular in meeting the challenge of breaking out of the stagnation that is always referred to in assessments of the progress made during the International Decades for the Eradication of Colonialism.

The lack of concrete advances in the Committee's work cannot be ascribed to the absence of a conceptual framework or plan of action to guide the Committee's actions.

There is general agreement on the guiding principles: colonialism must be eradicated, the cooperation and active participation of the administering Powers is essential, the Committee must continue to "seek suitable means for the immediate and full implementation of the Declaration" and "carry out the actions approved by the General Assembly regarding the Second and Third International Decades for the Eradication of Colonialism",¹ always on a case-by-case basis and in accordance with the relevant General Assembly resolutions on decolonization.

In 2013, the Secretary-General, in opening the Special Committee's annual session, rightly affirmed that "the risk of movement" is "preferable to the stagnation of the status quo". This year he reiterated his call for inclusive, proactive and forward-looking efforts by the Special Committee, the administering Powers and the Territories to advance the decolonization process on a case-by-case basis.

The General Assembly's most recent resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples² spells out specific tasks to be carried out by the Special Committee and the administering Powers. For the purposes of this seminar, it seems fitting to reflect on some of those tasks, highlighting the elements they have in common.

Both the Special Committee and the administering Powers are called upon to "develop and finalize", in cooperation with each other and with the "Territory in question", "a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions on decolonization, including resolutions on specific Territories".³

The ultimate goal is to ensure that measures to eradicate colonialism have the desired effect. The practical sign that this goal has been achieved is the removal of the Territory in question from the list of Territories to which the Declaration applies, following a process guided by the resolutions on decolonization and based on a case-by-case approach.

This process is not automatic. When it began, in the 1940s, any Member State responsible for the administration of a Non-Self-Governing Territory had only to inform the General Assembly that it had decided to cease transmitting information under Article 73 *e* of the Charter.

The situation subsequently evolved and in the 1950s the General Assembly proclaimed its competence "to decide whether a Non-Self-Governing Territory has

¹ Resolution 68/97, Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

² Ibid.

³ Ibid.

or has not attained a full measure of self-government as referred to in Chapter XI of the Charter”.⁴

In light of the practice observed in cases where the General Assembly has decided to remove a Territory from the list, always in accordance with the relevant United Nations resolutions, it may be inferred that this competence involves, inter alia, the following considerations:

1. The decolonization process must be guided by factors and principles that have been clearly defined by the General Assembly: resolution 742 (VIII) of 1953 sets out a list of “factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government”, and resolution 1541 (XV) of 1960 approves the principles which “should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 *e* of the Charter”.

2. The United Nations should be “informed of any change in the constitutional status of any such Territory”.⁵

3. Consideration on a case-by-case basis: resolution 742 (VIII) of 1953 also “reasserts that each concrete case should be considered and decided upon in the light of the particular circumstances of that case and taking into account the right of self-determination of peoples”, where applicable. Likewise, in resolution 1541 (XV) of 1960, the Assembly decided that the principles set out therein “should be applied in the light of the facts and the circumstances of each case”. Many other General Assembly resolutions reinforce the principle that each case should be considered individually.

4. Particular emphasis should be placed “on the manner in which the right of self-determination has been attained and freely exercised”, as established in resolution 850 (IX) of 1954.

5. A mission should visit the Non-Self-Governing Territory, on the basis of the relevant United Nations resolutions and evidently with the agreement of the administering Power, in order to “evaluate as fully as possible the opinion of the population as to the status or change in status which they desire”, before or during “the time when the population is called upon to decide” (resolution 850 (IX) of 1954).

Resolution 850 (IX) of 1954 specifies that “the experience gained should be used by the General Assembly” in considering cases in which it has ceased to receive information under Article 73 *e*.

This historical background, while not exhaustive, prompts me to touch upon a few considerations, also not exhaustive, that can be inferred from decolonization processes and can enable us to “use the experience gained” and envision concrete actions for advancing the Committee’s agenda.

⁴ Resolution 748 (VIII) of 27 November 1953; resolution 849 (IX) of 22 November 1954; resolution 945 (X) of 15 December 1955.

⁵ Resolution 849 (IX) of 22 November 1954.

In this regard, a look at the specific cases of Niue and the Cocos (Keeling) Islands shows that the aim is not to “fast-track” these processes or to conduct “summary proceedings”.

In the case of the Cocos (Keeling) Islands, which took 11 years, three visiting missions, including one to observe the referendum on self-determination, were necessary. At the end of the process, the General Assembly considered that the people of the Territory had “exercised their right to self-determination 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”.⁶

In the case of Niue, the process took more than three years, from the time when New Zealand informed the Special Committee of its intention to receive a visiting mission in June 1971 to the time when the General Assembly adopted resolution 3285 (XXIX) of 1974, affirming that the people of Niue had “freely expressed their wishes” and had “exercised their right to self-determination 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”.

Thus, since the 1950s the General Assembly has affirmed the importance of visiting missions to “evaluate as fully as possible the opinion of the population”,⁷ before or during the act of self-determination, on the understanding that such visits must be undertaken in conformity with the relevant United Nations resolutions.

In all cases, the United Nations was invited to observe the act of self-determination scheduled in the Territory. Examples include the Gilbert and Ellice Islands (1974), Niue (1974), the Cocos (Keeling) Islands (1984) and Tokelau (2006). The General Assembly has always sought to ensure that the opinion of the population of the Territory in question has been “freely expressed by informed and democratic processes”.⁸

It may be useful to cite a historical example in this regard. In 1967, the General Assembly, by resolution 2356 (XXII), decided to keep the question of the Territory that has since become Djibouti on its agenda, as it was dissatisfied with the “circumstances in which the referendum organized by the administering Power took place”, without a United Nations presence before or during the referendum.⁹

Given that the administering Powers, under Chapter XI of the Charter, and on a case-by-case basis, “recognize the principle that the interests of the inhabitants of these territories are paramount” and are obligated “to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement”, it is imperative to establish channels of communication that will make it possible to implement these provisions.

The administering Powers will only be able to take “all steps necessary to enable the peoples of the Non-Self-Governing Territories concerned to exercise fully

⁶ Resolution 39/30 of 5 December 1984.

⁷ Resolution 850 (IX) of 1954.

⁸ Resolution 742 (VIII) of 27 November 1953.

⁹ Resolution 2228 (XXI) of 20 December 1966.

as soon as possible their right to self-determination” through a dialogue that also involves the Special Committee, in accordance with the relevant United Nations resolutions.

The formal participation of the administering Powers in the Special Committee’s work is of particular significance for the rapid and effective implementation of the decolonization mandate.

The relevant resolutions and legal opinions and the practice of the General Assembly form a useful conceptual and legal arsenal for enabling the Special Committee, the administering Power and the Territory in question, and interested States and stakeholders, to consider and finalize a constructive programme of work on a case-by-case basis for the implementation of the decolonization mandate.

The Special Committee’s primary task consists of “examining” the application of the Declaration on the Granting of Independence to Colonial Countries and Peoples, as determined by the General Assembly in 1961.

This work can only be carried out in close cooperation with the administering Powers and the Territories, in line with the relevant United Nations resolutions. In this regard, I trust that the Special Committee enjoys the support of the administering Powers. In the most recent case, involving New Caledonia, the visiting mission and the cooperation of France reflect the existence of initiatives of the kind I referred to at the beginning of this statement.

Excellencies,
Distinguished delegates,
Ladies and gentlemen:

Allow me to urge you, most earnestly, to take advantage of the opportunity afforded by our seminar to share your experiences, ideas and aspirations. Let us say unflinchingly all that needs to be said: the only source of shame is colonialism, and our words are what will enable us to tackle it.

Thank you.

21 May 2014