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ORIGINAL: ENGLISH

THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

**Caribbean regional seminar on the implementation of the Third International
Decade for the Eradication of Colonialism: the United Nations at 70: taking
stock of the decolonization agenda**

**Managua, Nicaragua
19 to 21 May 2015**

DISCUSSION PAPER

PRESENTATION

BY

MR. SERGEI CHERNIAVSKY

Third International Decade – the United Nations at 70 and the decolonization agenda: The role of the Special Committee

Sergei Cherniavsky (Ukraine)

Mr. Chairman,

It is indeed an honor and a privilege to make my presentation right after your major statement.

First of all I would like to sincerely thank our hosts, government and people of Nicaragua for allowing us to hold decolonization seminar in this beautiful country. I remember that as postgraduate student at Kiev State University in Ukraine at the end of the 1970s – early 1980s, I was following with fascination the successes and victories of the *Revolución Popular Sandinista*. I have never dreamed that one day I would be sitting here in Managua and delivering my statement on decolonization. Again, many thanks to our hosts for making this happen.

INTRODUCTION

Each anniversary of the United Nations is an opportunity to take stock of the achievements and disappointments of this universal international organization. Similarly, it is time to reassess the work of the Special Committee in the area of decolonization and try to see what is working and what needs to be re-evaluated in order to effectively implement the mandate of the Special Committee.

We must admit that at this point the international situation deteriorated significantly to revive talks of another Cold War between Russia and major Western powers. It is very symptomatic that the cover of the Bulletin of Atomic Scientist famous for its picture of the so-called Doomsday Clock moved the pointer to show three minutes to midnight, an indication of the growing danger of the world wide nuclear conflict.

Indeed, the negative consequences so-called “color revolutions” in the North Africa, especially in Libya, widening civil war in my native country, Ukraine, in the Eastern Europe, and other hot spot insurgencies in other parts of the world contributed to the chaos in the international relations which seriously impedes the peace-making efforts of the United Nations. Unfortunately, decolonization process is the first victim of such course of events. The attention of the UN members is further diverted from social and economic agenda towards firefighting and extinguishing armed conflicts.

There is another growing danger in the world affairs, which has a direct bearing on decolonization process – a resurgence of the archetypal colonial mentality on the part of the major Western powers that also happed to be the Administering powers of the Non-Self-Governing Territories. The roots of such mentality lies in the claims

to some other people's natural resources, which were the driving force of the colonial policies in the past.

THE COMMITTEE'S MANDATE AND ITS LIMITS

By the resolution 1654 (XVI) the Special Committee was requested to examine the application of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in Assembly resolution 1514 (XV) of 14 December 1960, and to make suggestions and recommendations on the progress and extent of the implementation of the Declaration. The resolution 1654 (XVI) also directed the Special Committee to carry out its task by employment of all means, which it will have at its disposal within the framework of the procedures and modalities, which it shall adopt for the proper discharge of its functions.

The General Assembly resolution 1810 (XVII) in its operative paragraph 8 spelled the Special Committee's mandate in more detail:

- a. To continued to seek the most suitable ways and means for the speedy and total application of the Declaration to all territories, which have not yet attained independence;
- b. To propose specific measures for the complete application of the Declaration;
- c. To submit to the General Assembly in due course, and not later than its eighteenth session, a full report containing its suggestions and recommendations on all the territories mentioned in paragraph 5 of the Declaration ;
- d. To apprise the Security Council of any development in these territories which may threaten international peace and security.

The most recent General Assembly resolution 69/107 of 5 December 2014 formulated the mandate of the Special Committee as follows:

“ 7. *Requests* the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out the actions approved by the General Assembly regarding the Second and Third International Decades for the Eradication of Colonialism in all Territories that have not yet exercised their right to self-determination, including independence, and in particular:

(a) To formulate specific proposals to bring about an end to colonialism and to report thereon to the General Assembly at its seventieth session;

(b) To continue to examine the implementation by Member States of resolution 1514 (XV) and other relevant resolutions on decolonization;

(c) To continue to examine the political, economic and social situation in the Non-Self-Governing Territories, and to recommend, as appropriate, to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, including independence, in accordance with the relevant resolutions on decolonization, including resolutions on specific Territories;

(d) To develop and finalize, as soon as possible and in cooperation with the administering Power and 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;

(e) To continue to dispatch visiting and special missions to the Non-Self-Governing Territories in accordance with the relevant resolutions on decolonization, including resolutions on specific Territories;

(f) To conduct seminars, as appropriate, for the purpose of receiving and disseminating information on the work of the Special Committee, and to facilitate participation by the peoples of the Non-Self-Governing Territories in those seminars;

(g) To take all steps necessary to enlist worldwide support among Governments, as well as national and international organizations, for the achievement of the objectives of the Declaration and the implementation of the relevant resolutions of the United Nations;

(h) To observe annually the Week of Solidarity with the Peoples of Non-Self-Governing Territories;"
[A/RES/69/107]

The mandate of the Special Committee evolved through the decades and has its limits. The limits mostly concern:

1. modality of inscribing the new territories on the United Nations list as only General Assembly has that right;
2. ability of the Special Committee to directly conduct educational campaign in the territories as it is the responsibility of the administering Powers pursuant to the Chapter XI, Article 73 (b);
3. ability of the Special Committee to directly assist NSGTs in the development of their constitutional order, as it is done in cooperation with other UN specialized agencies and funds, primarily UNDP through its inclusive and effective democratic governance programme.

CASE-BY-CASE APPROACH: THE NEED TO START THE PROCESS FROM THE SCRATCH

The GA resolution 69/107 in paragraph 7(d) specifically authorizes the Special Committee "...to develop and finalize, as soon as possible and in cooperation with the administering Power and 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".

In all honesty we have to admit that case-by-case programme is non-existent. It is just an idea, which still awaits its implementation. Started in the 1990s as a means to advance decolonization process it still remains just a framework without any substance.

It is high time to start working in this direction. The history and past practices of the Special Committee gives the relevant clues how this work could be organized.

WORKING GROUPS WITHIN THE COMMITTEE AS A TOOL FOR IMPLEMENTATION OF CASE-BY-CASE APPROACH TO NSGTS

Throughout its existence the Committee established sub-committees on specific territories. Such sub-committees covered Southern Rhodesia (1963), Aden and British Guiana (1964), South West Africa, Basutoland, Bechuanaland, Swaziland, Equatorial Guinea (Fernando Poo and Rio Muni) and Fiji (1966), Oman (1968). From 1976 through 1991 there existed a Sub-Committee on Small Territories, which specifically dealt with small island territories. The Committee also had a Working Group (1962-1994) dealing with general issues of the methods of work.

The Committee may wish to tap this in-house experience to establish small working groups, of no more than 3 members each, which mandate would be to develop case-by-case programmes for selected NSGTs.

In order to start this work, the Committee needs assistance from the Secretariat to classify NSGTs on the UN list according to various criteria in the area of political, constitutional, economic and social development. The material in the working papers gives ample material for such an exercise.

Major criteria for candidate NSGTs for the working groups should be their maturity in meeting the criteria of self-government. Needless to say, such criteria for the UK territories could be the removal of the reserved powers of the UK governors and meaningful devolution of power to the legislative bodies of the Territories.

Mr. Chairman, these are just a few humble suggestions to move the decolonization process forward. I would be much willing to contribute to the further discussion on this matter under the last item devoted to recommendations.

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PROPOSALS FOR RECOMMENDATIONS TO THE SPECIAL COMMITTEE
UNDER ITEM 4 OF THE AGENDA

Sergei Cherniavsky, expert (Ukraine)

1. Establish two ad hoc/working groups on Bermuda and American Samoa with the mandate to develop a case-by-case programme for each of those territories. The groups could include three members of the Committee on as wide geographical base as possible. Each group could start making contacts at the experts level with permanent missions of the United Kingdom and the United States to initiate a discussion on the case-by-case approach.
2. Identify the candidate NSGTs for subsequent case-by-case programmes based on their readiness for self-government in accordance with the United Nations criteria, established by the Chapter XI, article 73 of the Charter and the resolutions 1514 (XV) and 1541 (XV) as well as all other relevant resolutions of the General Assembly.
3. Establish contacts with the non-governmental organizations primarily based in the NSGTs and encourage establishing United Nations associations in the NSGTs with a view of assisting in the educational campaign in the NSGTs regarding the options and choices of the future political status.
4. Continue contacts and discussions with the administering Powers regarding visiting missions and/or mission of observation (in case of popular consultation exercises being held in the NSGTs) along the lines of the UN Missions to observe referenda in Tokelau and the relevant resolutions on specific territories..
5. Based on the past experience of the Special Committee, to re-establish a Working Group mandated to discuss and recommend improvement in the methods of work of the Special Committee.