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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 future for decolonization in
the Non Self-Governing Territories: what are the prospects?**

**Kingstown, Saint Vincent and the Grenadines
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DISCUSSION PAPER

PRESENTATION

BY

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ROLE OF THE SPECIAL COMMITTEE IN THE FUTURE FOR DECOLONIZATION IN THE NON-SELF-GOVERNING TERRITORIES ON A CASE-BY-CASE BASIS

(VISITING MISSIONS AS AN EFFECTIVE TOOL IN FULFILLING THE COMMITTEE'S MANDATE)

Mr. Chairman, allow me through you extend my sincere gratitude to the Government and people of the Saint Vincent and the Grenadines for hosting the Special Committee regional seminar in this wonderful country. It is a third regional seminar hosted by Saint Vincent and the Grenadines, two previous ones held in 2005 and 2011, respectively, and it demonstrates an unswerving commitment of our hosts to the cause of decolonization. In the Slavic mythology three is considered a lucky number, so I hope that this seminar, without any doubt, will be a success as the two others that were held here before.

My presentation will be mostly on the issue of visiting missions of the Special Committee in the context of case-by-case programme envisaged by the Committee and referenced in the General Assembly resolutions. The most recent resolution 71/122, which renewed the mandate of the Committee, in operative paragraph 8(e) specifically requested that the Special Committee "...*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*". Further, in operative para 9 of the same resolution, the administrative Powers were called upon "*to continue to cooperate with the Special Committee in the discharge of its mandate and, inter alia, to facilitate visiting missions of the Committee to the Territories on a case-by-case basis and in accordance with relevant United Nations resolutions on specific Territories...*"

It is undeniable that a visiting mission is the most effective tool in the whole range of instruments available to the Special Committee for fulfilling its mandate. It permits the Committee to obtain first-hand information from the Non-Self-Governing Territories (NSGTs) regarding their status on the way to full measure of self-government indicated in the Charter of the United Nations as the ultimate outcome of the decolonization.

In its first report to the Assembly at its seventeenth session (1962) in section dealing with its working procedures, the Special Committee early on recognized the importance of the visiting missions and value of cooperation with the administering Powers in this regard¹.

In 1963, the Special Committee established three sub-committees with explicit purpose to facilitate "sending visiting groups" to certain territories within its purview: (a) Sub-Committee on Southern Rhodesia, (b) Sub-Committee on Aden, and (c) Sub-Committee on British Guiana². During the discussion of a possibility of a visiting mission to those territories with the United Kingdom, the latter flatly refused to agree to the visiting missions of the Special Committee to Aden and British Guiana. The Special Committee in this connection noted that "by refusing access to a visiting group of the Committee to a territory coming within the scope of its work, the administering Power concerned *is denying it one of the most effective means of carrying out the*

¹ A/5238, para 112(e), p. 18

² A/5446/REV.1*, p. 8-9.

*task assigned to it by the General Assembly, namely the examination of the implementation of the Declaration on the granting of independence to colonial countries and peoples [emphasis added -- SC]*³.

At its twenty-fifth session, the General Assembly adopted resolution 2621 (XXV) of 12 October 1970, which contained a programme of action for the full implementation of the Declaration. In operative paragraph 9 (c), (d) and (e), the Assembly specifically directed the Committee:

"(c) To continue to send visiting missions to the colonial Territories and to hold meetings at places where it can best obtain first-hand information on the situation in colonial Territories, as well as to continue to hold meetings away from Headquarters as appropriate;

"(d) To assist the General Assembly in making arrangements, in co-operation with the administering Powers, for securing a United Nations presence in the colonial Territories to participate in the elaboration of the procedural measures for the implementation of the Declaration and to observe the final stages of the process of decolonization in the Territories;

e) To prepare draft rules and regulations for visiting missions for approval by the General Assembly."⁴

However, despite the obvious importance of the visiting missions to the Special Committee, the intransigence of certain administering Powers did not allow a single mission in the 1960s.

The first such endeavor by the Special Committee took place in June 1972, when at the invitation of the Government of New Zealand, a visiting mission was dispatched to Niue to obtain first-hand information on conditions in the Territory and on the wishes and aspirations of its people and to recommend practical steps for their advancement as soon as possible towards self-government and self-determination. As reflected in the mission's conclusions and recommendations, which were subsequently endorsed by the Special Committee, the visit enabled the Committee to become fully apprised of the conditions prevailing in the Territory. Based on the information, which the Visiting Mission derived from its discussions with a large segment of the population, the Committee could confirm that the overwhelming majority of the Niuean people were clearly in favor of full internal self-government. The Committee also recommended the establishment of a target date for the act of self-determination⁵.

Throughout its history, the Special Committee had undertaken 26 visiting missions. The breakdown of those missions is provided in a table at the end of this paper. Only few of them led to the process that we would call "de-listing".

Mr. Chairman,

Only three years separate us from the end of the Third Decade for the Eradication of Colonialism. Unfortunately, since 2002 when East Timor, now Timor Leste, became

³ Ibidem, p. 9

⁴ A/RES/2621 (XXV).

⁵ A/8723/Rev.1; see also A/8723/Add.5.

independent, not a single NSGT graduated from the list. Of course, there are many reasons for that, not the least being the absence of formal cooperation on the part of some administering Powers. As you are aware, the United Kingdom ended formal cooperation with the Special Committee in 1986 and the United States in 1992⁶. However, we still believe that the Committee could use the remaining period before the end of the decade to try to achieve some results in fulfilling its mandate.

In our opinion, there are three territories on the list that could be the target of the visiting missions, provided the Committee conducts successful consultations with their administering Powers. They are American Samoa, Bermuda and Pitcairn.

American Samoa

Here I would like to reiterate my statement at the previous seminars that American Samoa is a case of unfulfilled opportunity for the Special Committee.

Through many years its representatives at the seminar made statement of their desire to maintain their current arrangement with the United States. I remember how as far as in 1998, the late Governor of American Samoa Taese Sunia very eloquently presented his case before the Pacific regional seminar held at Nadi (Fiji). While being very respectful of the Committee's noble goals, he nevertheless denied that his Territory was a colony and maintained that American Samoans were indeed satisfied with their relationship with the administering Power. At that time, he invited the Special Committee to come to the Territory to witness the situation first-hand. This invitation was extended many times by the representatives of the Territory present at the regional seminars, the most recent being in 2015 in Nicaragua.

At one point, the Committee came very close to start negotiations with the US Mission to the United Nations regarding American Samoa. An informal meeting was held before the Marshall Islands seminar in 2000 at which US delegation made a PowerPoint presentation on the Territory's status for the members of the Special Committee. I am also aware that the American Samoa's delegate to the US Congress, Eni Faleomavaega in 2006 wrote a letter to the US Ambassador at the United Nations requesting an official statement of the US Government toward American Samoa's status as Non-Self-Governing Territory.

In my own discussions with the representatives of the Territory at many of regional seminars, they all were very eager to receive guidance from the Committee, a "road map", which would assist the territory in determining its future status. Unfortunately, the Committee was unable to provide such guidance.

The most recent developments in American Samoa demonstrate that the government and civil society in the Territory are still trying to formulate a definite position on a future status. According to the 2016 working paper on the territory, the Governor of the Territory submitted his official position on the political status of American Samoa in a document dated 13 June 2013 entitled "Decolonization issue regarding American Samoa", which was forwarded in the same month to the Office of Insular Affairs of the United States Department of the Interior. He noted

⁶ See letters from both administering Powers in A/8276 and A/8277.

that American Samoa was not a colony of the United States but rather a territory, a status that had been fashioned voluntarily because of economic overtones. He further expressed his personal preference for the United States Congress, which had the ultimate authority to decide on the type of political status that the United States would have with American Samoa, to relinquish that authority to the people of American Samoa to empower them to make the decision that they deemed appropriate.⁷

I would like in his connection to reiterate my personal point of view that maybe it is high time to reinvigorate the process of consultations with the administering Power and approach US Mission to the United Nations on the possibility of a visiting mission to American Samoa. It may be a rather difficult task, given the fact that it involves not only the Territorial Government and the State Department, but also Department of the Interior and its Office of Insular Affairs, the latter having responsibility over the Territory. Unfortunately, there are many obstacles, the major of which being complete misunderstanding on the part of some US officials of the equilibrium between the domestic and international law. If the Department of Interior still shares the view expressed as far as in 2006 by United States Assistant Secretary of State for Legislative Affairs, Jeffrey T. Bergner that that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue and not one that came under the purview of the Special Committee and that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and had no mandate to engage the United States in negotiations on their status⁸, than the Special Committee has to engage US side in a discussion to explain its position on decolonization of American Samoa in the light of international law. There is no substitute for negotiations on this matter.

The Chairman already has the mandate to engage US Mission in such negotiations: the resolutions 70/102 A and B, in Section I concerning American Samoa, the Assembly expressed appreciation for the invitation extended in 2015 by the Governor of American Samoa to the Special Committee to send a visiting mission to the Territory, called upon the administering Power to facilitate such a mission if the territorial Government so desired, and requested the Chair of the Special Committee to take all the steps necessary to that end⁹.

Bermuda

As far as Bermuda is concerned, it is a case, which needs close attention of the Special Committee. If one can judge by economic indicators alone, Bermuda, if it were an independent state, would enjoy the place among the first five contenders for the highest per capita income in the world. Bermuda's gross domestic product [GDP] per capita was measured at \$96,018 per person in 2015, according to a report released by the Department of Statistics¹⁰. Just for comparison, the GDP per capita of United Kingdom in 2016 was twice less at \$40,212¹¹. Despite

⁷ A/AC.109/2016/1.

⁸ Ibidem.

⁹ A/RES/70/102.

¹⁰ Facts & Figures 2016. Department of Statistics. – Hamilton: Government of Bermuda, 2016, p. 7. See also, A/AC.109/2017/3.

¹¹ <http://countryeconomy.com/gdp/uk?year=2016>.

the reserved powers of the British governor of the Territory, whose salary, by the way, is paid from the Territory's budget, Bermuda enjoys rather high level of self-government. Furthermore, Bermuda reinvests a lot of money into the administering Power's economy. According to the information provided by the Premier Michael Dunkley, Bermuda's economy, predominantly insurance and reinsurance, directly contributes around 70,000 jobs to the United Kingdom's economy (and many more globally); it has provided over \$10 billions of capital to the administering Power's economy since 2008, and, finally, it has historically been the United Kingdom's third largest non-European investor¹². While Bermuda is not an economic paradise and has its share of economic issues typical for many independent countries, including some problems with racial equality, in many respects it seems to be very close to the benchmark of self-governance. The Committee may wish to start consultations with the United Kingdom on the modalities of the visiting mission to the Territory to ascertain this level of self-governance, which may eventually warrant its de-listing by appropriate recommendation to the Assembly.

Pitcairn

There are inescapable facts on the population of the island, which currently stands at 39, there are only 28 in paid employment, with only 8 of this paid employment group under 50, of whom only 1 is in the 20-30 age group. There are currently 26 people on the island over 50, 10 of whom are over 65. This situation is having an increasingly negative impact on economic production and health-care costs. The natural growth rate of the population is already beyond a sustainable replacement rate. In the period 2001-2012, there were only eight births and fewer than five women of childbearing age. Overall situation seems very bleak.

The new repopulation strategy recognizes the paramount importance of encouraging new migrants to Pitcairn to settle or work. In line with the strategic development plan, in September 2015, the Island Council approved an immigration policy designed to further promote immigration and repopulation, bringing people with the skills and commitment necessary to Pitcairn. According to official information provided by the Island Council, as at 10 August 2016, there were 451 repopulation enquiries from 42 countries and two active settlement applications logged with the Island Office.

Nevertheless, the island has a very sound system of self-governance. According to the 2015 revised edition of the Ordinance, the Council consists of seven voting members (the Mayor, the Deputy Mayor and five Councilors, all elected) and three non - voting ex officio members (the Governor, the Deputy Governor and the Administrator (a role created in December 2014)). This is almost one-fourth of the economically active population. That means that the measure of public participation in governance of the Territory, at least from a formal point of view, may be much higher than in most independent countries of the world.

Despite its small size and population, Pitcairn is a member of the secretariat of the Pacific Community, The Secretariat of the Pacific Community provides technical assistance, policy advice, training and research services to 22 Pacific Island Countries and Territories in such areas

¹² <https://www.gov.bm/articles/premier-dunkley-highlights-best-bermuda-uk-opposition-leader>.

as health, human development, agriculture, forestry and fisheries. Pitcairn also participates in the Pacific Community Coastal Fisheries Programme¹³.

The situation of Pitcairn begs the question whether it should be kept on the list of the Special Committee. Here, again, I would like to reiterate my humble opinion that maybe a visit to the island might enlighten the members of the Committee on further action to complete decolonization of such a small entity and follow up with a fast track recommendation to the General Assembly.

Recommendations

1. Given the Special Committee's institutional experience, the Committee may wish to consider establishing small *ad hoc* working groups (no more than 3 members), which could engage in negotiations with relevant administering Powers and the territorial governments to prepare some skeleton recommendations for the case-by-case programmes. As a first step, the first three such groups could focus on American Samoa, Bermuda and Pitcairn.
2. The Chairman of the Special Committee may wish to enter into negotiations with the administering Powers regarding preparation of the visiting missions to American Samoa, Bermuda and Pitcairn. The Chairman has the mandate for such negotiations by operative paragraph 4 of the annual resolution on visiting missions, which requests the Chair "to continue consultations with the administering Powers concerned and to report thereon to the Special Committee on the results of those consultations". The above *ad hoc* groups representing diverse geographic groups in the Committee could act as "Friends of the Chair" to assist the him in cases when contacts with certain administering Powers could be politically difficult.
3. The Special Committee may wish to take a critical look at the operative paragraph 8(d) of the Assembly resolution 71/122, which specifically requests the 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..." For many years, this provision remains just a wish and an unfulfilled promise. It is high time to start moving from mere declarations to a hard work to develop such programmes by conducting appropriate consultations with both - Territories and their administering Powers. As a first step, the Committee should evaluate in the ranking order the priority of action plans on specific territories.

¹³ A/AC.109/2017/12.

SPECIAL AND VISITING MISSIONS

Year	Territory	Administering Power	Remarks
1965	Cook Islands	New Zealand	UN Representative appointed by GA resolution 2005 (XIX) at the recommendation of the Special Committee for supervision of elections ¹⁴
1972	Guinea (Bissau)	Portugal	Special Mission to the liberated areas of Guinea (Bissau) at the invitation of PAIGC ¹⁵
1972, 1974	Niue	New Zealand	Observation, act of self-determination in 1974
1974, 1980, 1984	Cocos (Keeling) Islands	Australia	Observation, referendum of self-determination in 1984
1974	Gilbert and Ellice Islands ¹⁶	United Kingdom	Observation, referendum of self-determination in Ellice Islands
1975	Cape Verde	Portugal	
1975	Montserrat	United Kingdom	
1975	Spanish Sahara	Spain ¹⁷	
1976	British Virgin Islands	United Kingdom	
1976, 1981, 1994, 2002, 2006, 2007	Tokelau	New Zealand	
1977	US Virgin Islands	United States	
1977	Cayman Islands	United Kingdom	
1979	Guam	United States	
1981	American Samoa	United States	
1980, 2006	Turks and Caicos Islands	United Kingdom	
1984	Anguilla	United Kingdom	
2005	Bermuda	United Kingdom	At the invitation of Bermuda Independence Committee (NGO)
2014	New Caledonia	France	

¹⁴ Technically, not a visiting mission. Nevertheless, included for the point of reference as it was initiated by the Special Committee.

¹⁵ *Partido Africano da Independência da Guiné e Cabo Verde*.

¹⁶ Currently, Kiribati and Tuvalu. Tuvalu became an independent constitutional monarchy in 1978.

¹⁷ On 26 February 1976, the Permanent Representative of Spain to the United Nations informed the Secretary-General that "the Spanish Government, as of today, definitely terminates its presence in the Territory of the Sahara and deems it necessary to place the following on record: ... (a) Spain considers itself henceforth exempt from any responsibility of an international nature in connection with the administration of the said Territory, in view of the cessation of its participation in the temporary administration established for the Territory ..." (see A/31/56-S/11997). For the printed text, see *Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976*.