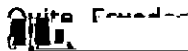


ORIGINAL: ENGLISH

THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Caribbean regional seminar on the implementation of the Third International Decade
for the Eradication of Colonialism: first quarter review of developments and trends



28 to 30 May 2013

DISCUSSION PAPER

PRESENTATION

BY

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- resolution 1541 (XV) of 15 December 1960, entitled "Principles which should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 of the Charter";
- resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International

law concerning friendly relations and cooperation among States in accordance with the Charter

of the United Nations";

- Advisory Opinion on Western Sahara, rendered by the International Court of Justice on 16 October 1975, in which the Court reviewed the development of the principle of self-determination in the practice of the United Nations (paras. 54-59).

The legal opinion contained an important conclusion that the General Assembly did not set out specific modalities or mechanisms, which would apply on a general basis to all Non-Self-Governing Territories for the exercise of their right of self-determination. However, those resolutions clearly emphasize as a general principle that the process of self-determination should be based on the exercise of an informed, free and voluntary choice by the peoples concerned.

The Special Committee itself held several informal consultations to articulate its own understanding of the modalities of the decolonization process. However, due to various reasons, these discussions have not resulted in any decisions or recommendations

Legal-political developments in the Pacific and Caribbean

right to self-determination of each Non-Self-Governing Territory, the need for the

and the respective administering Powers to decide on the procedure to follow with respect to the process and certification of self-determination of each of the Non-Self-Governing Territories. In this context, it must be determined if it is convenient to send a visiting mission; to send an observer mission to a referendum or electoral act; or to decide on any other formal action that the United Nations could

On 31 October, through the statement by its President, the Security Council welcomed the political progress achieved towards establishing an independent East Timorese state and endorsed the recommendation by the Constituent Assembly that independence be declared on 20 May 2002.⁷

and following presidential elections on 16 April 2002, Xanana Gusman was appointed president elect of

East Timor. With both these preconditions for a hand-over of power met, the Constituent Assembly was ready to transform itself into the country's parliament on 20 May 2002.

in the Assembly are well aware that the Committee of 24 has been seized of this matter
for at least the next five decades, if not longer, although important things will be done

Council became seized of the matter and arranged for a Special Representative of the Secretary-General to administer the Territory. The Committee's mandate, however, was preserved, and it continued to receive petitions and to arrange participation by representatives of the Territory at its annual meetings and seminars.

Secondly, this draft resolution serves to send a very strong message to all administering Powers that there is a transparent process by which all Territories on the United Nations list under the Special Committee must be dealt with, and that no administering Power

whatever its physical size or population, political, economic, social and historical circumstances.

Thirdly, the transparent process involves the development of work programmes on a case-by-case basis for each Territory and involves the Committee in overseeing the

