



**UN Charter and Treaty Systems
with regards to
Self-Determination of Peoples
People's Academy**

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UN Charter Organized in Chapters

- Preamble
- Purpose (Chapter I)
- Membership (Chapter II)
- Organs (Chapter III)
- General Assembly (Chapter IV)
- Security Council (Chapter V)
- Pacific Settlement of Disputes (Chapter VI)
- Action with Respect to Threats of Peace[...] (Chapter VII)
- Regional Arrangements (Chapter VIII)
- International Economic & Social Co-operation (Ch. IX)
- Economic & Social Council (Ch. X)
- Declaration Regarding Non-Self Governing Territories (Ch. XI)
- International Trusteeship System (Ch. XII)
- The Trusteeship Council (Ch. XIII)
- International Court of Justice (Ch. XIV)
- The Secretariat (Ch. XV)
- Miscellaneous Provisions (Ch. XVI), Art. 103 (conflict with obligations under the Charter & other international agreements: UN Charter will prevail)
- Security Arrangements (Ch. XVII); Amendments (XVIII); Ratification & Signature (XIX)

United Nations Charter, <https://www.un.org/en/about-us/un-charter>

I. UN System under the Charter & Self-determination

- Art. 73(a) protection of culture, political, economic, social & educational advancement, just treatment
- Art. 73(b)- develop self-government (referendum, etc.)
- [Art. 73(c)]
- Art. 73 (d)- promote constructive measures of development
- Art. 73 (e)- transmit to Secretary General information on economic, social, and educational conditions in the territories.

Mechanisms under the Charter Based System

- Human Rights Council
- Special Procedures- includes Special Rapporteurs, Independent Experts and Working Groups with 46 Thematic Mandates & 14 Country Mandates
- Universal Periodic Review
- Independent Investigations
- [Regional Systems, included in Ch. VIII of UN Charter, i.e., European Union, Interamerican, African, ASEAN]

UN Charter, Chapter XI, Art. 73- Non-Self-Governing Territories

Mentions a list of responsibilities directed to Members of the United Nations, which have or assume responsibilities (or “sacred trusts”) in the administration of territories whose peoples have not yet attained a full measure of self-government.

Puerto Rico's Case under the Charter

- Background (1898-)- military & civil government
- Political situation and plenary powers of the US government
- alleged self-government with the Commonwealth/ELA, voted in 1952 & in 1953 the US informed the UN that it had no duty to inform;
- Resolution 748(XVIII)
- PROMESA statute imposed by the US to deal with insolvency

General Assembly Resolutions on Self-Determination

- Special Committee to determine if obligation existed under Art. 73(e) of the UN Charter
- 1541(XV) of 1960 [guidelines, explained later]
- 1514 (XV) of 1960 [Magna Carta of Decolonization]

Other arrangements by the UN for self-determination

- Participation in country referendum
- Negotiated solutions (2 Administrative Powers)
- Trusteeship Council as observer in plebiscites
- Receipt of written petitions
- Hearings of petitioners (art. 87b of the Trusteeship Council)
- Decolonization Committee
- G.A. Forth Committee (Political Affairs)

G. A. Resolutions & Plebiscites

- 1514(XV)
- 1541 (XV)
- 2625 (XXV)
- Political status alternatives in colonial situations: Puerto Rico's annexation is not an option

II. UN System Under the Treaties- Mechanisms (Committees & Court)

- Racial Discrimination*
- Economic, Social & Cultural Rights
- Human Rights (under the Int'l Covenant on Civil & Political Rights/ICCPR)*
- CEDAW
- Rights of the Child
- Migrant Workers
- Torture*
- Sub-commission on the Prevention of Torture
- Rights of Persons with Disabilities
- Enforced Disappearances
- [Genocide Convention* does not have a Committee, but International Court of Justice]

System Under the Treaty & Human Rights Violations: the Vieques Case

- NGOs written communications and lobbying at the Office of the High Commissioner's Sessions- UN Geneva
[https://www.ohchr.org/en/ohchr_homepage]
- Press conferences (international & in the US press)
- 1503 Procedure (now, Special Rapporteurs)
- Specialized agencies (World Health Organization, International Labor Organization, etc.)

Conclusion

- Duty to be informed & present communications internationally
- Under the Charter:

Decolonization Committee, Special Procedures, Universal Periodic Reviews

- Regional Systems
- Under the Treaty System:
Committees

**Thank
You**

