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HEADQUARTERS • SIEGE NEW YORK, NY 10017

TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

Distr. RESTRICTED
CRS/2009/DP.2

ORIGINAL: ENGLISH

SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

**Challenges and Opportunities in the Process of Decolonisation
of the Non Self Governing Territories in the Caribbean Region**

United Nations Caribbean Regional Seminar,

St Kitts, Nevis

May 2009

**Dr. Carlyle Corbin
International Advisor on Governance**

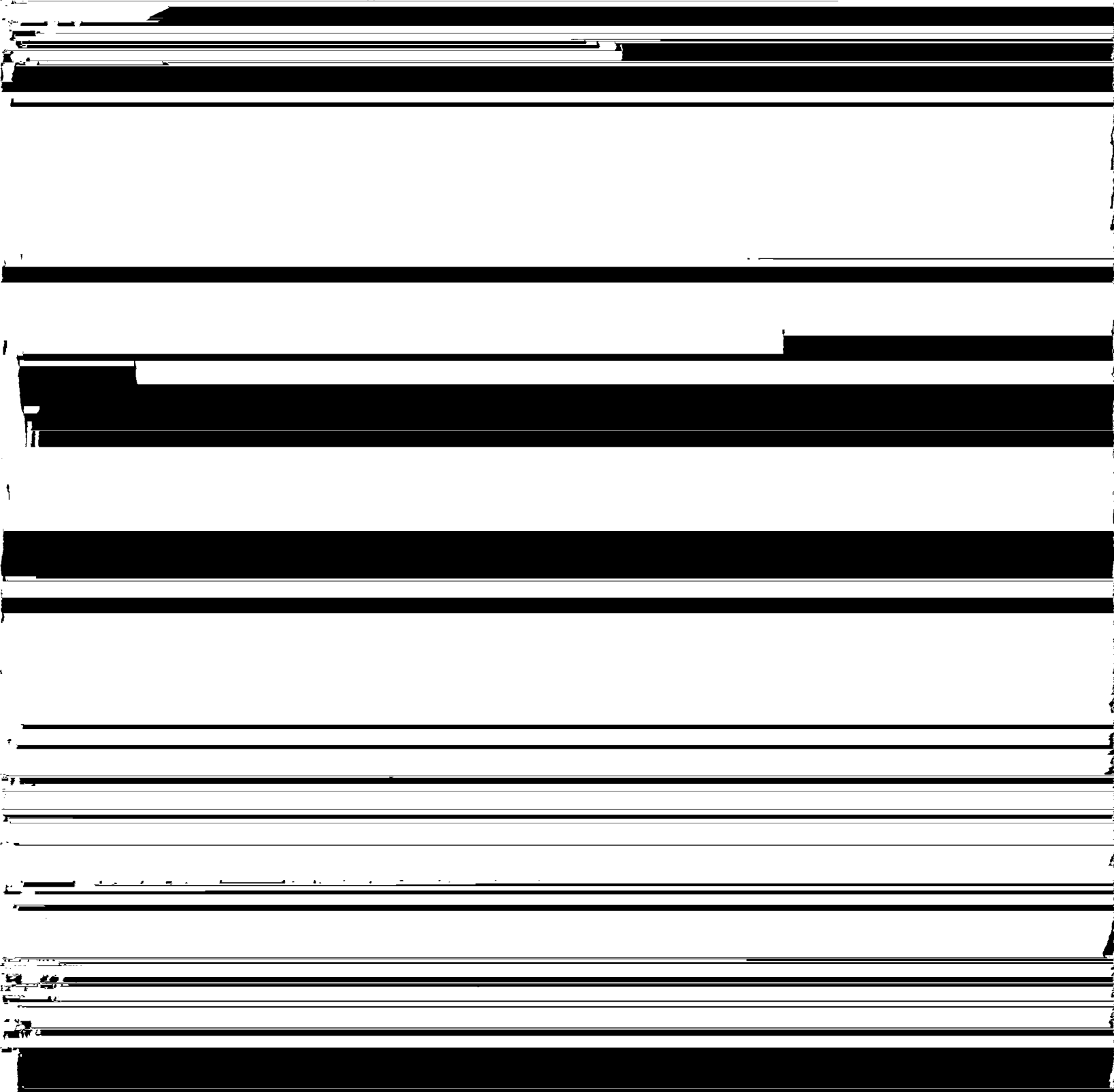
Dr. Carlyle Corbin is an international advisor on global governance and former Minister of State for External Affairs of the U.S. Virgin Islands Government. He has served as a United Nations (U.N.) expert on self-determination for over a decade, and as independent expert for the United Nations Development Programme on U.N. missions to Bermuda, and to the Turks and Caicos Islands, respectively. He has also been constitutional advisor to the *Anguilla Constitutional and Electoral Reform Committee*

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Introduction

At the mid-point of this penultimate year of the Second International Decade for the Eradication of Colonialism, the United Nations continues to seek ways and means to



Mandate and Parametres of the Internal Constitutional Processes

The process of constitutional review in the UK-administered territories in the Caribbean emanates from the 1999 *White Paper for Progress and Prosperity*. Whilst the first principle enunciated in the White Paper indicated that the new relationship “would be founded on self-determination”

offered as the only alternative to the present dependency status. It therefore appeared that real autonomy would only come within the context of a relatively short timetable for independence.

Thus, the relevancy of autonomous political arrangements such as the free association model in the Netherlands Antilles in the Caribbean, the Home Rule arrangements in Greenland and the Faroe Islands with Denmark in the North Atlantic; the autonomous arrangements of the Cook Islands and Niue with New Zealand in the Pacific; the free associated statehood of the Micronesia, Marshall Islands and Palau in the Pacific with the US are essentially dismissed, and the earlier *West Indies Associated States*

Virgin Islands (A/AC.109/2009/14) refers to “the need for more funding for the Constitutional Convention from the Administering Power. In reality, there has been no such funding to date from the administering power.

Accordingly, the parametres of the constitutional review process of the dependent territories in the Caribbean are restricted to reforming the present arrangements without any real devolution of power, although some reversible delegation of power lies is facilitated. In the case of the UK administered territories the final decision-making

council and other methods, A territory should not be considered self-

Thus, the recent political developments in the Turks and Caicos Islands are illustration of the use of such unilateral authority which can result in the reversal of any delegation of power which might be given to a territory in a territorial constitution, with the very constitution itself subject to unilateral suspension. If nothing more, these actions have re-affirmed the non self-governing nature of these territories, effectively countering any argument that modernised constitutions have somehow created self-government by extending a form of reversible delegation in these territories in the Caribbean.

Similarly, the US-administered territories are also projected as self-governing even as the reality is that the Congress of the administering power, in which the territories have no voting representation maintains unilateral authority, and routinely applies laws and regulations to the territory. In fact, the very existence of the elected government is subject to the legislative grace of the same Congress, according to the decisions of the courts of the Administering Power.

Yet, even with the clear democratic deficit inherent in this dependency model, a 2008 policy statement of the administering power sought to negate the applicability of the UN decolonisation mandate to the territories it administers, terming these arrangements

Self-Determination Not Affected

'Establishment of local constitutional self-government pursuant to this constitution shall not preclude or prejudice the further exercise in the future by the people of the Virgin Islands of

the right of self-determination regarding the ultimate political status of the unincorporated territory."

Even within this context, a number of areas of autonomy are being recommended

Resolution 2625 properly reaffirmed that the three options of independence, integration or free association constituted the achievement of implementing the right to self-determination, but it also referred to "the emergence of any other political status freely

This has sometimes been mis-represented as grounds for legitimisation of a form of 'colonialism by consent,' even if the internal governance arrangements would fall short of the achievement of a full measure of self-government with political equality

If there was a process for periodic re-assessment, a number of the former territories earlier removed from the list,, as Puerto Rico, could be re-listed. The status of the self-determination process of the individual islands like Curacao in the Netherlands

worthy of re-examination, along with the unilateral reversal by the administering power of the autonomous model in Northern Mariana Islands.

The need for a process of international review and assessment of changes in dependency arrangements has been continually refined, and was included in the plans of action (POA) of the first and second IDEC's, in the mandate for periodic analyses to be done on the progress and extent of the implementation of the (Decolonization Declaration), and the case-by-case analysis of each territory. So far, these initiatives have not been carried out and in the absence of this required in-depth political analysis of the

- The expansion of the scope of the regional information centres to service the non self-governing territories.

One final point.

The adoption of resolutions and the de-listing of territories from UN review does not constitute success in and of itself. It is the achievement of full self-government by the peoples of the territories which is the real barometre of success. De-listing should not be considered the goal, but rather a result of the achievement of full self-government, and only after certification by the international community that full self-

NOTES

¹ Partnership for Progress and Prosperity: Britain and the Overseas Territories, Foreword by Foreign and Commonwealth Secretary Robin Cook, 1999.

³ The full US constitution applies only to integrated states of the United States. In territories, only the