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FORTH INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

**Pacific regional seminar on the implementation of the Fourth International
Decade for the Eradication of Colonialism: advancement of the Non-Self-
Governing Territories through the coronavirus disease (COVID-19)
pandemic and beyond**

Castries, Saint Lucia
11 to 13 May 2022

DISCUSSION PAPER

PRESENTATION

BY

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Implementation of the Decolonisation Mandate during the United Nations International Decade for the Eradication of Colonialism

A Paper presented to the United Nations Pacific regional seminar on the implementation of the Fourth International Decade for the Eradication of Colonialism

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Introduction

Thirteen of the seventeen Non Self-Governing Territories (NSGTs) recognised by the United Nations General Assembly as not having achieved the Full Measure of Self-Government (FMSG) pursuant to the United Nations (UN) Charter (UN, 1945) are island NSGTs in the Caribbean and Pacific.¹ The principal Administering Powers (APs) in the Caribbean are the United Kingdom (UK) (Mill, 1912: 384-85) and the United States (US) Rivera, 2009: 45-60), whilst France (MacLellan, 2019) and the US (Corbin, 2015) are the main APs in the Pacific. These NSGTs are administered through a variety of arrangements of unilateral authority with degrees of reversible delegated power extended to the elected territorial governments.

Emanating from the UN General Assembly inscription of NSGTs by Resolution 66-1 of 1946 was the subsequent adoption of a plethora of decolonisation resolutions. The extent of their implementation, can be examined within three identifiable periods: 1) the Decolonisation Engagement Period (1946-1960), the Decolonisation Acceleration Period (1960-1990) and the Decolonisation Deceleration Period (1991-present) (Corbin, 2000: 5).

¹ The Caribbean NSGTs are the six British-administered overseas (dependent) territories of Bermuda, Turks and Caicos Islands, Cayman Islands, The Virgin Islands, Montserrat and Anguilla; and the United States-administered US Virgin Islands. Puerto Rico is not formally listed by the UN as an NSGT but is nevertheless examined annually by the UN Special Committee on Decolonisation (C-24) pursuant to Committee resolution of 1972. The Pacific NSGTs are American Samoa, Ma'ohi Nui (French-administered Polynesia), Kanaky (New Caledonia), Pitcairn, and Tokelau.

Three Periods of Decolonisation

During the Decolonisation Engagement Period (DEP) resolutions provided substance to the original UN mandates of the Chapter XI of the UN Charter. Resolutions during the DEP were adopted along specific thematic lines, and were updated and refined in the subsequent periods. Focus areas included literacy eradication, education, and social and economic advancement. The DEP era continued through to the 1960 adoption of the landmark Decolonisation Declaration (UN, 1960a). Its companion resolution on principles of genuine self-government defined independence, free association (Igarashi, 2002) and integration as the legitimate options (UN, 1960b) of the full measure of self-government (FMSG).

During the DAP, projected actions included UN visiting missions, cessation of military activities in NSGTs, ² implementation of decolonisation resolutions, UN assistance to NSGTs in freely determining their future status, ³ and a timetable for the free exercise of self-determination and independence.”⁴ The Assembly also adopted Resolution 2625(XXV) in 1970 ⁵ reaffirming that independence, integration or free association (Geiser, Alleyne, Gajraj, 1976) constitute the achievement of implementing the right to self-determination whilst also asserting that other political status arrangements constitute modes of implementing self-determination. Resolution 2625 (XXV), therefore, did not legitimise colonialism, but only recognised that such arrangements provided a preparatory step towards decolonisation. This is consistent with Article 73(b) of the UN Charter.

Other focus areas included the right of territories to own their natural resources, ⁶ specific attention to small territories, ⁷ discontinuation of nuclear testing in the Pacific (of

² See *Military Activities in Non Self-Governing Territories as an impediment to Decolonisation*, In *Micronesian Educator*, Vol. 31, University of Guam (Guahan) 2021, pp. 9-29.

³ *Question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Mauritius, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands*, UN General Assembly Resolution 2357 (XXII), 19 December 1967.

⁴ *Question of American Samoa, Bahamas, Bermuda, British Virgin Islands, Brunei, Cayman Islands, Cocos (Keeling) Islands, Gilbert and Ellice Islands, Grenada, Guam, Montserrat, Pitcairn, St. Helena, Seychelles, Solomon Islands, Turks and Caicos Islands and the United States Virgin Islands*, Un General Assembly Resolution 2984 (XXVII), 14 December 1972.

⁵ “*Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*,” UN General Assembly Resolution 2625 (XXV) of 24 October 1970.

⁶ *Question of Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Turks and Caicos Islands, and the United States Virgin Islands*, UN General Assembly Resolution 3157 (XXVIII), 14 December 1973.

⁷ *Question of Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Turks and Caicos Islands, US Virgin Islands*, UN General Assembly Resolution 3157 (XXVIII), 14 December 1973.

particular relevance to French Polynesia),⁸ and concern for non-compliance of APs with UN Charter obligations on decolonisation.⁹ Specifically cited was France which had not transmitted information on New Caledonia between 1947 and 1985, resulting in the UN re-inscription of New Caledonia and a degree of UN oversight on the territory's self-determination process.¹⁰

The DAP was followed by the Decolonisation Deceleration Period (DDP) which paradoxically coincided with the first of four International Decades for the Eradication of Colonialism. Only one NSGTs achieved FMSG during the period (*Timor Leste, 1992*), with one territory being re-inscribed (*French Polynesia, 2013*). The DDP was characterised by a slowdown of decolonisation attributed to certain geo-strategic changes at the end of the Cold War and a related diminishing of decolonisation as a UN priority.

During this time, the territories were increasingly being projected as 'not being interested - nor prepared if they were interested - in independence,' notwithstanding the prevailing political inequality and administering Power unilateral authority. The minimum standards contained in Resolution 1541(XV) were increasingly downplayed in favour of the legitimisation of the dependency arrangements, and the encouragement for the UN to endorse such arrangements. (Corbin, 2016: 9-10).¹¹

The period also found the withdrawal of two of the largest APs (*UK and US*) from formal cooperation with the Special Committee on Decolonisation, and the refusal of France to comply with its UN Charter obligations (Article) 73e to transmit information to the UN Secretary-General on French Polynesia - despite General Assembly reinscription in 2013. (Tables 1 and 2).

⁸ *Question of American Samoa, Gilbert and Ellice Islands, Guam, New Hebrides, Pitcairn, St. Helena, Seychelles, an Solomon Islands*, UN General Assembly Resolution 3156 (XXVIII), 14 December 1973.

⁹ *Question of American Samoa, Guam, New Hebrides, Pitcairn, St. Helena, and Solomon Islands*, UN General Assembly Resolution 3290 (XXIV)), 13 December 1974.

¹⁰ *Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*, UN General Assembly Resolution 41/41, 2 December 1986.

¹¹ A critique of the changing British, French and United States diplomatic positions can be reviewed in the 2016 expert paper *Decolonisation: The Un-finished Agenda of the United Nations* presented by the writer of the present paper to the Pacific Regional Seminar on the Implementation of the Third International Decade for the Eradication of Colonialism, Managua, Nicaragua. 31 May - 2 June 2016.

Table 1.
Dates of transmission of information under Article 73 e of the Charter of the United Nations and period covered

	<u>Information received for 2021</u>		<u>Information received for 2022</u>	
	<i>Date of transmission</i>	<i>Period covered</i>	<i>Date of transmission</i>	<i>Period covered</i>
France				
New Caledonia	7 December 2020	2020	2 December 2021	2021
French Polynesia	_____	2020	_____	2021

Source: United Nations 2022.

Table 2.
Dates of transmission of information by France under Article 73 e of the Charter of the United Nations and period covered with respect to French Polynesia

<u>2013 – 2022</u>		
Adm. Power	Year	Transmission of Information
France	2013	No information transmitted
France	2014	No information transmitted
France	2015	No information transmitted
France	2016	No information transmitted
France	2017	No information transmitted
France	2018	No information transmitted
France	2019	No information transmitted
France	2020	No information transmitted
France	2020	No information transmitted
France	2021	No information transmitted
France	2022	No information transmitted

Source: Report of the Secretary-General, Information from Non-Self-Governing Territories transmitted under Article 73e of the Charter: “According to its resolution 67/265, the General Assembly recognizes that, in the light of the provision of Chapter XI of the Charter of the United Nations and General Assembly resolution 1514 (XV), French Polynesia remains a Non-Self-Governing Territory within the meaning of the Charter.” (U.N. Document A/77/63 of 18 February 2022).

Mandates of the International Decade(s) for the Eradication of Colonialism

The beginning of the DDP coincided with the first IDEC which was approved by the General Assembly in 1988,¹² with a subsequent plan of action in 1991 (*carried over through the Fourth IDEC*). Required actions included political education programmes, Secretary-General visits, territorial participation in UN programmes,¹³ and analytical studies on each NSGT. These actions have gone largely unimplemented through present day.¹⁴

In the absence of the UN-mandated analytical studies, the independent Self-Governance Indicators (SGIs) diagnostic tool was developed in the Caribbean and introduced in 2011 to assess the level of preparation for self-government (PSG) of NSGTs (Corbin, Institute of Commonwealth Studies, 2012). Self-Governance Assessments through application of these Indicators were conducted of French Polynesia in 2012, Guam in 2020 and the Virgin Islands (British) in 2022 among other non-independent polities.

A regional perspective presented to the UN General Assembly by the Caribbean Community (CARICOM) in 1999 on the implementation of the first IDEC expressed that the level of implementation of the POA was deficient with “major provisions (un)addressed, and... political education programmes...as well as visits to each of the territories by the Secretary-General or his Special Representative, having not materialised.”¹⁵

An independent “Mid-Term Assessment of the Second IDEC Colonialism”¹⁶ found a general dismissal of the mandates in favour of annual re-affirmations of decolonisation principles. A subsequent analysis of the Second IDEC¹⁷ warned that caution should be taken to avoid UN legitimisation of contemporary colonial arrangements due to ‘decolonisation fatigue’

¹² *International Decade for the Eradication of Colonialism*, UN General Assembly Resolution 43/47, 22 December 1988.

¹³ *Évaluation des possibilités d'une meilleure intégration des membres associés de la Commission économique pour l'Amérique latine et les Caraïbes*, 2017.

¹⁴ See Statement of H.E. Dr. Patrick A. Lewis, Permanent Representative of Antigua and Barbuda, on behalf of the 15 member states of the Caribbean Community (CARICOM), to the UN General Assembly, 6 December 1999.

¹⁵ *Id.*

¹⁶ See *Mid-Term Assessment of the Level of Implementation of the Plan of Action of the Second International Decade for the Eradication of Colonialism*, Caribbean Regional Seminar on the Implementation of the Second International Decade for the Eradication of Colonialism: mid term review, follow-up, and priorities for action, Raffles Resort, Canouan Island St. Vincent and the Grenadines, 17th May 2005.

¹⁷ See *An Analysis of Implementation of the United Nations Decolonisation Mandate during the Second International Decade for the Eradication of Colonialism (2001 – 2010) and Future Strategies for Completion*, United Nations Pacific Regional Seminar on the implementation of the Second International Decade for the Eradication of Colonialism, Noumea, New Caledonia, 18th May 2010.

and ‘repetition of process’ emanating from adoption of UN decolonisation resolutions without accountability for execution.

Two implementation strategies adopted by the UN during the DDP are ripe for revisiting. The first was the 2006 Plan of Implementation (POI) of the Decolonisation Mandate”¹⁸ introduced under the Chairmanship of Saint Lucia. The POI was designed as a method to “fulfil UN decolonisation obligations,” and identified eight focus areas of attention including information, NSGT participation in the UN decolonisation process, political analysis, visiting missions, natural resources, education, self-government advancement, and UN support to NSGTs¹⁹ These activities were paired with the relevant implementing bodies:

- United Nations Department of Public Information (DPI)
- Decolonization Unit, Department of Political Affairs (DU/DPA)
- Electoral Affairs Division, Department of Political Affairs (EU/DPA)
- United Nations Secretary-General
- United Nations Development Programme (UNDP)
- United Nations Environment Programme (UNEP)
- United Nations Regional Economic Commissions
- President of the Economic and Social Council (ECOSOC)
- Chairman of the Special Committee on Decolonization
- Special Committee on Decolonization
- Administering Powers
- Independent Expert

Whilst endorsed by the General Assembly, the implementation of the POI remains uneven.

The second implementation strategy was the “constructive programme of work on a case by basis.”²⁰ long recognised as an important potential contribution to decolonisation.. A case-by-case programme has been annually requested by civil society representatives of French Polynesia. It is hoped that the elected government of the territory would cooperate with a decolonisation work programme to present its argument, in depth, that the UN somehow erred in re-inscribing French Polynesia in 2013, and in reaffirming annually that the Decolonisation Declaration remains applicable to French Polynesia. A decolonisation work programme would be the pertinent mechanism within which these issues should be addressed, for the objective reality of the dependency arrangement to be examined, and for a proper decolonisation process to be initiated. This is specifically the case for the small territories in the Caribbean and Pacific.

¹⁸ See *Plan of Implementation of the Decolonization Mandate 2006-07*, United Nations Document A/60/853–E/2006/75, 17 May 2006.

¹⁹ *Id.*

²⁰ See resolutions on the *Implementation of the (Decolonisation) Declaration* from 54th through sessions. most recently Resolution 76/105 of 9 December 2021.

Concluding Observations

There must be an organic link established between actions called for in decolonisation resolutions and the U.N. budget. The “timely submission of parliamentary documentation” cannot be seriously considered as a primary ‘indicator of achievement.’ Implementation of decolonisation resolutions is the primary indicator, and there should be accountability through a detailed report on implementation of those resolutions. Otherwise, the ‘repetition of process’ will persist, and we will continue to “spin top in mud.”

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