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SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Caribbean regional seminar on the implementation of the Second International Decade  
for the Eradication of Colonialism: challenges and opportunities in the process of  
decolonization in today's world

Frigate Bay, Saint Kitts and Nevis  
12 to 14 May 2009

STATEMENT

BY THE REPRESENTATIVE

OF ANGUILLA

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ANGUILLA**

Paper presented by

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## **AN ANGUILLIAN PERSPECTIVE:**

### **THE CHALLENGES AND OPPORTUNITIES IN THE PROCESS OF DECOLONIZATION IN TODAY'S WORLD**

Mr. Chairman, ladies and gentlemen, I bring you greetings from the friendly people of Anguilla.

I am Anguilla's envoy to this Committee to put forward the view of the elected representatives of Anguilla with regard to Anguilla's desire to achieve the status of a full internal self-governing territory de facto as well as de jure.

I wear two or three hats as I am also a member of the Anguilla Constitution Drafting Committee, and a member of the Anguilla Human Rights Committee.

Most importantly I represent the people of Anguilla, a small nation of people known as Anguillians.

### **THE CHALLENGES**

The theme for this the penultimate year of the second international decade for the abolition of colonialism is "Challenges and opportunities in the process of decolonization in today's world". It is obvious that the use of the word "challenge" in this theme refers to the difficulties involved in the process.

It seems just as obvious that the greatest challenge in the process of decolonization is that the international community seems to have come to the conclusion that the remaining colonies have no desire for decolonization and that "we like it so". In the case of Anguilla, this is certainly not correct.

Anguillians have no intention of remaining tied to Britain as a colony forever. We are therefore wary of colonial actions which appear to be attempts at recolonization, subjugation, assimilation or social

extermination. As was stated to the United Nations during a visiting mission to Anguilla in 1984 the question of the political Independence of Anguilla was only one of timing. This position of Anguilla was reiterated by our present chief minister at the historic decolonization seminar which was held in Anguilla in 2003. In addition by the Anguilla Act 1980 we have preserved this right for ourselves or a future generation of Anguillians to join the International Community of Nations.

Another challenge is that our administering authority, the British, now claims that the territories under its administration are self-governing. Britain has apparently also withdrawn the status option of state in association as one of the three options available in decolonization and is attempting to portray constitutional reform initiatives which are colonial in nature as initiatives of decolonization.

## THE REALITY OF COLONIALISM IN ANGUILLA

In Anguilla we have the situation where the British appointed Attorney General as a member of the executive advise the Government on policy-decisions, then frames the laws which reflect those decisions, and as a member of the legislative votes in the house upon the passage of the laws and then prosecutes the citizen for non-compliance with those laws.

Many Anguillians believe that the British already have a special constitution prepared for Anguilla which will reflect all of the unconstitutional stealth legislation introduced into Anguilla during the past 10 years of what may be perceived as the attempted destruction of the Anguillian psyche and culture.

Following the British White Paper of 1999 "Partnership for Progress and Prosperity", homosexuality has been legalized by order in council; abortion has been legalized without any discussion with the people of Anguilla; Huge fines have been introduced by legislation; it is possible to criminalise any Anguillian under the new laws which have been passed; the Governor has been given authority to by-pass the court system and to extradite and transport Anguillians out of Anguilla; much of the authority for passing laws

have been removed from the House of Assembly and placed in the Governor or the Governor in Council; there is a shadowy figure called a Law Commissioner; there is no Law Commission; the education system has been systematically destroyed; there are no community centers or youth centers on the island; there are hardly any recreational facilities for the ordinary youth, who are festering a growing rage; Anguillians work for slave wages in an up-market tourist industry; foreigners are being brought in and given jobs by British Civil Servants who are in charge of the Public Service, even when there are qualified Anguillians who apply for the jobs; foreigners are being brought in to work in the tourist industry for high wages in simple jobs because Anguillians are not being trained for jobs such as waiter, waitress and butler; through lack of education and or training young Anguillians are falling through the cracks in greater and greater numbers and there is every indication that the young unemployed Anguillians are beginning to turn to undesirable habits and behavior, including drugs, alcohol, and violence; the population is being deliberately engineered so that soon, the native Anguillian will be out numbered and out voted when our colonial authority decides to "expand the franchise".

## **THE OPPORTUNITIES**

Anguillians have a history which colours our path as we journey along the road in search of our full development and self-fulfillment.

We started out life in Anguilla as a slave society, settled by our English ancestors who brought our African forbears to the island as a labour force. The humanity of us, their off-spring, has not always been given recognition; we were once regarded as property and in the mind of the colonial administrators that seems to be a difficult perception to shake off. Recent discussions in the Foreign Affairs Committee brings this to the forefront once again.

From the time of our settlement in 1650 until the 1948 Declaration of Human Rights, we lived, worked and survived under the rigours and oppression of colonialism. Obligation to Britain we had in plenty; recognition of our rights by Britain we had but few.

But we have move beyond that stage. We are now a people recognized the world over as Anguillians; a community which has come out of dire economic hard times, to enjoy a fairly robust economy although we are now troubled by the global financial climate.

For the past 42 years we have had a colonial constitution, and Britain has now decided that the existing constitutional arrangements should be “modernized” but she wishes to tell us what we can have in that modernization process.

We on the other hand say that as a people we are entitled to say what we would wish to have in the new constitution; we are entitled to say how we would agree to be governed; and in that regard we are saying that it is right that the powers which the Governor now exercises over our domestic agenda and affairs should devolved to the people of Anguilla in the context of a working democratic form of government.

Our assertion of our entitlement to full internal self-government is a statement which says that our circumstances have evolved to a point in the given world context when colonialism as distinct from autonomy is no longer acceptable to us, or indeed to the global order.

**The circumstances of our social development as a people has merged with the universal expectation that all peoples should govern themselves in a climate of democracy; and in that setting the former colonial system of government no longer has an acceptable place if we are to be recognized as human beings enjoying all the rights and dignity of a free people.**

**The guarantee of constitutional democracy which focuses on human rights and the development of the individual is inconsistent with colonial government even if it is wrapped in the disguise of a constitution.**

**In our colonial context, even though we have a constitution, none of those guarantees can be assured to us because all those rights, powers, privileges and protects, even though referenced in our**

**constitution, can be over-ridden in the twinkling of an eye by the passing of an Order in Council or instruction given by the Secretary of state in England to the Governor in Anguilla to do what the British Government wished to have done.**

We believe that we have the right as Anguillians to say to Britain, "We wish to have FULL INTERNAL SELF-GOVERNMENT so that we can be responsible for our culture, our internal affairs, and not be oppressed and over-ridden by your Orders in Council and the exercise of your Governor's reserved Powers and Instruction from the Secretary of State.

That right is derived from the fact that we are human beings in a culturally defined community know as Anguilla and should be respected as such and we have come to the point in time where the right of that humanity needs recognition and respect.

## THE INTERNATIONAL OBLIGATIONS

We say that we have the right to select our constitutional status and to do so by means of a referendum to secure the majority will of the people of Anguilla..

That right is an inalienable right.

**Article 1(1) of The United nations International Covenant on Economic, Social and Cultural Rights provides:**

***"All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".***

**If that right to self determination is not now recognized by Britain and made exercisable by Anguillians the logical inference is that Britain does not regard us as part of the human family entitled to the inherent dignity of the human person and to the enjoyment of justice and peace.**

**Britain has an international obligation to ensure that the right of self-determination is freely exercised by Anguillians.**

**Article 1 (3) of the Covenant provides:**

***“ The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.”***

**Britain is a signatory to that Covenant.**

**Further, Britain is also bound by Article 73 of the UN CHARTER.**

### **THE WAY FORWARD**

**Anguilla and the United Kingdom need to fashion a way forward which will resolve the impasse which arises from the United Kingdom's rejection of the particular methodology prescribed by resolution 1541 (XV) for the exercise of the right to self-determination which is “derived from the inherent dignity of the human person attributable to the Anguillian people”.**

The golden thread running through the history of Anguilla's relationship with the United Kingdom over the past forty two years has been the unswerving assertion of our right to self-determination. The modernization of the relation between Anguilla and Britain must be seen through the prisms of that persistence with such clarity as to signal the emergence of the status of full internal self-government as a meaningful expression of the spirit of partnership upon which that relationship is to go forward.



## OUR UNDERSTANDING OF FULL INTERNAL SELF-GOVERNMENT

**In Anguilla we understand that “Full Internal Self-Government” imports a vesting in the people of Anguilla the right to exercise full executive authority over all of its domestic affairs such as was vested in the Associated States under the West Indies Act of 1967 and the Constitutions enacted there under and in the 2006 Constitution of Gibraltar. Such an arrangement leaves the matters of defence, security and the treaty-making powers in external affairs in the hand of the United Kingdom government.**

**This Status envisages a constitutional arrangement which will secure the centrality of our fundamental rights and freedoms as reasonably limited by compelling demands of a democratic society which will honour the exercise of the democratic way of life in which the power of those who govern arises from those who are governed in an open and participatory manner; secures the institutions of government designed to ensure the democratic limitation upon the powers of the executive as a safeguard against arbitrary and oppressive administration; guarantees the right of access to justice to secure the fundamental rights and freedoms of the individual as well as access to justice to secure to the citizenry the observance of honest, accountable and transparent government and the constitutional way of life.**

The right to opt for constitutional advance in the form of full internal self-government as a State in Association with an other independent country is a right which Anguillians have never relinquished and is a position of entitlement from which we have never resiled. To accept otherwise would be a betrayal of our revolution and would compromise the sterling contribution of our revolutionary heroes who fought so bravely in the quest for freedom.

It is a right which was fully contemplated and is embodied in the provisions of the 1980 Act which deals with the future status and administration of Anguilla.

*(3) Her Majesty may by Order in Council make provision—*

*(a) for and in connection with the attainment by Anguilla of fully responsible status;*

*(b) for and in connection with the establishment of Anguilla as an independent republic;*

Let it be clear, that in this constitutional exercise, which has been started and initiated by Her Majesty's Government, because we are human being we are entitled to exercise the rights of self-determination recognized by the international treaties and obligations to which Britain is a party. If Britain is saying that we can have only this or that but not full internal self-government then she is saying that we are not entitled to decide for ourselves; that the right of self-determination is not exercisable by us. We are then being told what form of government we can or cannot have. Our humanity and its dignity are denied us.

The answer to Britain must then be if you are making the choice, you are making the determination without our consent. You are exercising a power which is ours by right. In such a case there should be no "modernization" and the constitution would be left as it is. By her action, we would remain on the United Nations list of colonies and stand naked before the world stripped of the pretence of a constitutional democracy.

You told the youth that they were free

and slavery has lost its sting,

but they're not foolish, they can see

we are lying deep within.

Slavery has not left our doors, not yet, I'm sure –

we have to fight the battle some more.

The time has come for every man in the Caribbean

to forge one common destiny – it's time to make our people free.

We have got to stand up for our rights,

To lead the lives we choose;

to change, to answer, to refuse.

If you think the battle's done, you are wrong –

it's an illusion, all illusion.

Talk of progress, love and justice , peace unity and “partnership”

- an illusion, all illusion.

We have no hold on these our native islands.

Our hands are tied, we don't control our actions.

*(To my brothers and sisters in the remaining non-self Governing Territories I say)*

Come, let us forward together in a social endeavour -

our goal: social control.

Only then shall we be colonized no more.

The conflict of interest between metropolitan country and the colonies played an important role in the eighteenth-century history of the Caribbean, and it would seem that it is playing a similar role in the 21<sup>st</sup> Century.

Today the commodity is not sugar and slaves. It is tourism and financial services, but the issue is still the same, one of a conflict of interest of the metropolitan administering territory and the colony. We need to understand the struggle which we are up against. And we need to take steps to prevent our people from being emasculated and dispossessed yet again in this new age of colonialism.

Mr. Chairman, I thank you.