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DISCUSSION PAPER

PRESENTATION

BY

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The Caribbean Non-Self-Governing Territories of the UK: present relations and future decolonisation prospects

This paper considers the nature of the relationship between the UK and its Caribbean Overseas Territories since the Conservative-led coalition government won power in May 2010.

On entering government the Coalition was faced with a number of challenges in regard to its Overseas Territories in the Caribbean, including dealing with the problems resulting from the corruption allegations in the Turks and Caicos Islands (TCI); addressing the economic fragility in several territories; and overcoming an underlying fractiousness between the UK and the OTs which had developed towards the end of the Labour Party's time in office.

Since 2010 these challenges, and several others, have been addressed, but in doing so the UK's role in the territories has become more assertive. This obviously has implications – certainly in the short and medium term – for the territories capacity to achieve greater autonomy and possibly full decolonisation.

Let's look at UK policy in a little more detail.

The 2012 White Paper

This was published to set out the Coalition government's approach to the territories.

The UK wanted to do two things: to promote a positive overall agenda while making clear the responsibilities and high standards of governance the territories must maintain

Thus on the one hand the White Paper talks about “renewing and strengthening” the relationship; promoting a “very strong positive vision”; and referring to the UK-Overseas Territories link as a “valued partnership within the Realm”.

One example of the new approach was the establishment of a Joint Ministerial Council, supported by a small secretariat, which replaces the more ad hoc and rather ineffective Overseas Territories Consultative Council. But more generally, there is an attempt to deepen and strengthen links.

On the other, the White Paper states that territories must “abide by the same basic standards of good government as in the UK”. Also, territories must follow “prudent fiscal management and effective fiscal planning” to become as financially self-reliant as possible – if not the UK government will intervene.

So the White Paper attempts a balance between promoting a more positive overall agenda while making clear the responsibilities and high standards of governance the territories must maintain. Overall the goal is to manage relations in a more effective manner.

Political and Economic Issues

- The process of reform in the Turks and Caicos Islands, including a new constitution with stronger powers for the governor and the UK government.
- Tensions between the government of McKeeva Bush and the UK: Bush on many occasions had talked about “bureaucratic harassment” and “meddling”, after the UK had shown concern over the Cayman government’s approach to budget management and government procurement. Then of course Bush lost his position as premier after allegations of corruption were made against him.
- The economic weakness seen in the territories has also precipitated UK intervention. For example, the UK and all the territories have agreed Frameworks for Fiscal Responsibility – legislation that commits the territory governments to be prudent and transparent on fiscal and debt management, establishes borrowing limits, and lays down the stages that must be followed in the planning, development and execution of a project.
- The offshore finance sector is coming under increasing scrutiny.
- How might the present economic trends impact on the territories and their attitudes towards greater political autonomy? Well, greater financial discipline may help them by consolidating their economic position and minimising their vulnerability, despite some short-term resentment over the UK’s greater involvement in economic matters. On the other hand, the more hostile international attitude to their financial services industries might make the territories less confident about asking for more autonomy. ^{& for independence} The territories may well prefer to maintain the link with the UK and the useful level of protection that provides.

Attitudes towards the present constitutional relationship

From the UK government, the view is that the constitutional position is largely settled – at least for the time being. Over the last few years new constitutions have been agreed for all the territories except for Anguilla.

For the territories the picture is mixed. In the BVI, the Cayman Islands, and Montserrat there is general satisfaction with the status quo.

However, in Anguilla and the TCI the rhetoric against the constitutional link is quite critical. Premier Rufus Ewing in the TCI has talked of independence, but in a rather non-committal way.

In Anguilla, Chief Minister Hubert Hughes has called for complete internal self-government, and more recently full independence. In April 2013 Hughes said he wanted a referendum by the end of the year to consider two options: “complete internal self-government or independence”. Note, moderate reform was not offered as an option.

What should we make of the suggested referendum? First, it is not at all certain that a vote will be take place. Second, if a vote is held it is unlikely that independence will be favoured. Rather, the most likely result – support for complete self-government – could be used as a bargaining chip in an attempt to pressurise the UK government to devolve significant new powers in any new constitution. So far the UK has not been prepared to accept such changes unless a territory decides on a stage-by-stage process to independence.

Future decolonisation prospects

From the outset it can be stated that neither the UK nor the territories want a closer and more formal constitutional relationship that might involve direct representation for the territories in the UK parliament.

Similarly, the possibility of independence appears only a distant possibility, despite recent talk in Anguilla.

Then what about free association? As intimated above the UK has little enthusiasm for free association at present. There is also reluctance on the UK's part to allow the Caribbean territories to be given the same level of autonomy as Bermuda.

So what are the possible routes towards decolonisation?

One is that the territories make clear their contentment with the existing constitutional arrangements and ask to be removed from the list of non-self governing territories. Montserrat's Premier Reuben Meade called for this in 2012.

There is much to be said for the argument that the local territory population should have the final say over whether a territory is de-listed or not, and that the UN should show some flexibility to allow this to happen, i.e. in relation to UN General Assembly Resolution 2625 (XXV) that considers "the emergence of any other political status freely determined by the people" as a way of implementing the right to self determination. However, it has always been the view of the UNGA that the Resolution should not legitimise models which do not offer a full measure of self government.

Notwithstanding, there are two key considerations here. First, what is the view of the local (Montserratian) population? Without some kind of vote or referendum it is difficult to gauge what the view of the population is – they might not want independence but they may wish to have greater autonomy which the UK does not presently allow. It needs more than the word of the premier to judge the views of the people. Second, what happens if the view of the population changes and a new constitutional settlement is preferred? Under those circumstances could Montserrat be re-listed? So perhaps the process of de-listing could be made more flexible, but the procedure for this to happen has to be clear and reversible.

Another option is to support the UK preference and make the existing arrangements work more effectively and use the newly established Joint Ministerial Council to strengthen relations and build confidence between the UK and the territories, and to enhance political and economic governance in the territories.

Would a stronger institutional structure focused on mutual benefit be enough for de-listing? Perhaps not, but an effective Joint Ministerial Council that helps to build confidence and more effective local governance could in the medium-term lead to greater autonomy being countenanced by the UK, including the reduction of the power of the governor, allowing the territories to appoint a political Attorney General, and limiting the power of the UK government to disallow laws enacted by the local legislatures. In short, if independence is not an option the UK government must gain reassurance that greater autonomy for the territories will not jeopardise its interests.

Final thoughts

It is clear that at the present time the routes towards decolonisation are limited. Independence, incorporation, and free association are not favoured by either the UK and/or the territories.

One option is to de-list territories that request it, but as we have seen this is problematic. The most feasible way forward is to encourage further confidence building measures between the UK and its territories, and to enhance the territories political and economic viability.

Initiatives to facilitate this could include:

- 1) A programme to enhance public education about the nature of the constitutional relationships in place and the implications of further reform;
- 2) The undertaking of public polling/consultations in the territories to determine the level of support for all constitutional options; and
- 3) To commission and publish research on how free association operates today and how examples elsewhere could be adopted for the Caribbean non-self-governing territories of the UK.