

**Distr. RESTRICTED
PRS/2016/DP.1**

ORIGINAL: ENGLISH

THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

**Pacific regional seminar on the implementation of the Third International
Decade for the Eradication of Colonialism: commitments and actions for
decolonization in the Non-Self-Governing Territories**

**Managua, Nicaragua
31 May to 2 June 2016**

DISCUSSION PAPER

PRESENTATION

BY

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**PACIFIC REGIONAL SEMINAR ON THE IMPLEMENTATION OF THE
THIRD INTERNATIONAL DECADE
FOR THE ERADICATION OF COLONIALISM**

**Managua, Nicaragua
31st May – 2nd June 2016**

***“DECOLONISATION – THE UNFINISHED AGENDA
OF THE UNITED NATIONS”***

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SUMMARY OF PAPER

Mr. Chairman, I wish to thank you for the kind invitation to participate in this important seminar, and wish to thank the host government, Nicaragua, for their fine hospitality and provision of these excellent facilities.

INTRODUCTION

Self-Determination and its consequent decolonization has been long heralded as a major United Nations (UN) accomplishment, and significant emphasis has been placed on the implementation of the mandate for the well being of colonized peoples even before the 1945 UN Charter:

- * 1919 Covenant on the League of Nations
- * 1941 Atlantic Charter

The U.N. Charter adoption in 1945 elaborated on the issues:

- * Article 1 – “Respect for the principle of Self-determination
- * Article 55 – Committed to certain actions to be promoted in economic and social advancement, health, culture, education and respect for human rights & fundamental freedoms based on the principle of equal rights and self-determination of peoples.
- * Article 73 on the Declaration regarding Non Self-Governing Territories speaks to specific international legal obligations of those States which administer NSGTs. Chief among them is Article 73(b) “to develop self-government” in the NSGTs, and Article 73 (e) to transmit information to the UN Secretary-General.
- * Resolution 66-1 of 1946 where the Administering powers voluntarily enumerated the territories under their administration NSGTs on the first formal list of NSGTs:

Australia, France, New Zealand, United Kingdom (U.K.),
United States (U.S.), Belgium, Denmark, and the
Netherlands.

Since the original inscription of territories, the UN role can be divided into three historical periods:

- * **The 1st period:** from 1946 – 1960 (the early period leading up to the adoption of the Decolonisation Declaration)
- * **The 2nd period (1960 – 1990) Decolonisation Acceleration**
(the three decades following the adoption of the Declaration)
- * **The 3rd period (1990 – present day) Decolonisation De-
deleration**

(the period following the thaw of the Cold War which coincided with the adoption of the 1st International Decade for the Eradication of Colonialism (IDEC).

I had the honour to deliver annual statements to the C-24 on behalf of the Virgin Islands Government from the inception of these decolonization seminars dating from 1990 through 2006 before demitting office. It is from this perspective that I provide some thoughts on what has happened over the roughly 25 year period in the evolution of the U.N. decolonization process..

1st PERIOD: PRE-DECOLONISATION DECLARATION PERIOD

(1946-1960) Characterised by:

- * Annual General Assembly resolutions on decolonization:
 - **Standard form** detailing the type of information which was to be transmitted by the AP to the SG.

- **Clarifying factors** as to what constituted self-government sufficiency
- Creation of the **Committee on Information from NSGTs** as forerunner of Decolonisation Committee (1961)
- Establishment of the principle, against the opposition of the APs, that it was **for the U.N to decide** self-governance sufficiency in an NSGT.

2nd PERIOD: DECOLONISATION ACCELERATION (1960-1990)

- * **Decolonisation Declaration (Res. 1514 (XV))** evolved from building blocks of resolutions from the period, and a more elaborate definition of what constituted self-government was defined.
- * **Resolution 1541 (XV)** – defined the minimum standards for the three options of absolute political equality: independence, free association and integration.
- * **16 African states** became independent in 1960 and 25 more between 1962-84.
- * Creation of the **Decolonisation Committee** in 1961
- * **New list of NSGTs (1963)** with some de-listed by General Assembly resolution (Puerto Rico, Netherlands Antilles)
- * **De facto de-listing of French territories** without U.N. resolution (1947) (*corrected in 1986 with re-inscription of Kanaky and 2013 with Ma'ohi Nui*)

* 13 Caribbean NSGTs, four Asian NSGTs, eight Pacific NSGTs achieved independence with additional ten becoming integrated or freely associated.

3rd PERIOD: DECOLONISATION DE-DELERATION (1990-present)

* *Thawing of Cold War and AP perception that decolonisation was Cold War issue. Since in their view, the Cold War was over, decolonization should be removed from the UN agenda. This resulted in in attempts to downgrade UN consideration of the decolonisation mandate.*

* Attempts to abolish Committee (early –mid 1990s)

* Resolution consolidation (small territories)

* There was also the independence/delisting of **Namibia** at the beginning of the 1990s which resulted in the recognition that the remaining NSGTs were mostly Caribbean/Pacific **small island NSGTs**, and the perception that there were no expressions for independence – even as there were several elected governments whose political platforms included provisions for the eventual transition to independence.

* Tendency by the APs to dissuade the territories from participating in the UN decolonisation process by denigrating the Special Committee and some of the member States. This was used by the UK to formally withdrawal from formal cooperation with the Special Committee in 1986.

* Attempts to **legitimise the NSGT arrangements** even as their *political status reflected political inequality and AP unilateral power.*

Examples of the dependency legitimisation included:

US – territories were self-governing because they elect governments and had 'representation' in Washington.

- formal withdrawal from Special Committee (early 1990s)

- statements of dismissal of decolonisation doctrine, processes and relevancy made at the 4th Cmt.

UK –

- Similar statements of dismissal of decolonisation doctrine, processes and relevancy at 4th Cmt.

- Formal withdrawal from Special Committee (1986)

- Removal of free association as option for NSGTs (2003-04) – status quo or immediate independence even as several NSGTs had called for a sufficient preparatory phase.

France

- de facto delisting of its NSGTs in 1947

- Dependency legitimization created by the autonomous status conferred on its NSGTs; but the level of autonomy did not meet the minimum standards for full self-government.

- Most recently, continued refusal to accept the decision of the General Assembly in consensus Resolution 67/265 of 17th May 2013 that re-listed French Polynesia.

INTERNATIONAL DECADES FOR THE ERADICATION OF COLONIALISM

A number of developments occurred during the **first IDEC** which ironically coincided the period of decolonization disengagement.

* Consolidation of General Assembly resolutions of eleven small island NSGTs into one omnibus resolution. This represented a compromise to the proposals of the APs for the resolutions to be replaced by a statement of principles on decolonisation and the removal of any specific references to the situation in the territories (By decision, the Special Committee is to return to individual territorial resolutions this year, but this must be done carefully so as not to inadvertently omit critical language.

* Elimination of the Subcommittee on Small Territories where the specific conditions in each of the small NSGTs were examined – such a critical mechanism has never been replaced despite several proposals.

* Continued adoption over the 25 year period of the first, second and half of the third IDECs to implement the actions called for in UNGA decolonisation resolutions. This resulted in a decline in the participation of many of the NSGTs who saw no progress in implementation of those things that the U.N. could do.

* Accordingly, only one NSGT achieved full self-government during the 25 year period (Timor Leste) whilst one territory (French Polynesia) was re-inscribed.

* The Report of the SG on the Third IDEC shed little light on implementation of the mandate as it spoke only of the completion of its work irrespective of the pan of action of the three IDECs. Thus, the report

listed as accomplishments the production of the annual informational working papers, the conduct of the regional seminars, and informal consultations with the APs. Substantive activities included in the plan of action of the three IDECs were ignored. When these were questioned by member States, the working papers were projected as the analyses called for in the POA – yet these papers are not, and were never meant to be analytical in nature. Unfortunately, only a few member States questioned these omissions, and they have never been corrected.

* During the second IDEC, the then-Chair of the Special Committee commissioned the **Programme of Implementation of the Decolonisation Mandate** (A/60/853-E/2006/75). This was endorsed by the UNGA. The POI linked the actions called for in decolonisation resolutions with the relevant implementing bodies of the UN including the Special Committee, the Department of Public Information, the Department of Political Affairs, the Electoral Affairs Division, the U.N. regional commissions and specialised agencies, ECOSOC, UNDP et al. UNGA resolutions establish that all of these UN bodies have the mandate to undertake activities to implement the Decolonisation Declaration but their activities are uneven.

The activities included:

- Political education programmes and dissemination of information on decolonisation
- Case by case work programmes for each NSGT
- Liason with regional and intergovernmental organizations
- Development of measures to monitor and guarantee the inalienable right of the NSGTs to own their natural resources.

- Development of measures to monitor and guarantee the prevention of NSGTs being used for military activities which impede the implementation of the Decolonization Declaration.
- The undertaking of the political analyses of each territory on the implementation of decolonization resolutions, as called for in the POA of the IDECs, was to have been undertaken by an Independent Expert.

Unfortunately, the POA of 2006 was never carried out.

The inability of the U.N. system to give effect to the mandate has resulted in what has been described as a “repetition of process” where resolutions are adopted but without accountability for whether they have been implemented – and the process repeats itself by adopting almost identical resolutions the following year.

On the question of the resolutions, it is also the case that the resolutions are in need of updating according to the priorities identified by the territories in their statements before the Special Committee.

Thus, updating the texts and implementations of the actions called for are critical to moving the process forward.

Self-Governance Indicators

Whilst the repetition of process endures, the situation in the territories has become increasingly complex requiring specific diagnostic tools to assess the nature of their political arrangements according to international standards. Accordingly, the development of Self-Governance Indicators have been created to assess the self-governance sufficiency. Such an

assessment was instrumental in making the case for the re-inscription of French Polynesia.

These indicators include:

- * Degree of awareness of the NSGTs of their political status options and the overall self-determination process.
 - * Unilateral authority of AP to legislate for the NSGTs
 - * Evolution of internal governance capacity
 - * Extent of interference of AP in NSGT ownership of natural resources
 - * Extent and nature of military presence in the NSGT
- Extent of AP commitment to a genuine self-determination process
- * Level of Un engagement in the self-determination process
 - * Level of NSGT participation in the UN process

Recommended Strategies to ensure the decolonization acceleration

* The actions called for in the UNGA resolutions are clear and have been outlined above in the 2006 POA. There only the need for these actions to be carried out by the UN system which needs to be creative and flexible in doing what the UNGA has asked of it to do. This may mean making the necessary adjustments to the budget for decolonisation which does not reflect the actions called for in the UN resolutions.

* The case by case assessment need to be initiated for each territory, with or without the participation of the AOPs. There is sufficient information to conduct a proper analysis of these arrangements.

* APs must be reminded that decolonisation processes should not be unduly influence by changes in the demographic composition of the territory

* APs should not be acknowledged for their informal cooperation alone when what is needed is their full and formal cooperation.

Conclusion

The mandate is clear and is contained in the various plans and programmes earlier described. What is necessary is implementation, and what is important to implementation is for member states to pay close attention to what the UNGA has mandated in its resolutions, and what is actually carried out. The UN system needs to be praised for its actions, and held accountable for its inaction.