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THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

**Caribbean regional seminar on the implementation of the Third International
Decade for the Eradication of Colonialism: the future for decolonization in
the Non Self-Governing Territories: what are the prospects?**

**Kingstown, Saint Vincent and the Grenadines
16 to 18 May 2017**

DISCUSSION PAPER

PRESENTATION

BY

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**THE DETERIORATION OF CONSCIOUSNESS OF ITS
PLACE IN THE WORLD - THE U.S. VIRGIN ISLANDS IN
THE THIRD INTERNATIONAL DECADE FOR THE
ERADICATION OF COLONIALISM**

Statement of Judith L. Bourne, Esq.

to the

**Caribbean Regional Seminar
of the
United Nations Special Committee
on Decolonization**

(CHECK AGAINST DELIVERY)

**16 - 18 May 2017
St. Vincent and the Grenadines**

Mr. Chairman,

Thank you for this opportunity to present my perspective to this seminar on the situation with regard to the Non-Self-Governing Territories administered by the United States of America, and particularly on the U.S. Virgin Islands.

I also wish to show my appreciation to the Government of St. Vincent and the Grenadines for the hospitality which it has provided in this Third International Decade as it did in the Second International Decade almost exactly 12 years ago.

Since 1990, the UN, through this Decolonization Committee, has committed itself to the eradication of colonialism a decade at a time. In these twenty-six years, the number of territories recognized as colonized, i.e., inscribed on the list of non-self-governing-territories or NSGTs, shrank by one on the independence of East Timor, then rebounded to 17 when French Polynesia was re-inscribed.

There are no new Acts of Self-Determination planned. And at least within the three NSGTs administered by the USA, popular interest and involvement in any UN based decolonisation effort has flagged. Of course, the issues of land and other communal rights affected by the substantial influx of US military

personnel and the enlargement of US military bases in Guam as the US relocates its forces from Okinawa has kept the Chomorro people concerned about their future in their native land, but even in that situation, outreach to the UN and to this committee in particular does not exhibit great confidence or hope.

Let me go into some detail about my home, the Virgin Islands of the United States.

In 2005, at the Caribbean seminar held in this very country of St. Vincent and the Grenadines during the Second Decade for the Eradication of Colonialism, I presented a paper which I summarised as follows:

**"THE URGENT NEED FOR POLITICAL EDUCATION IN THE
SECOND DECADE FOR THE ERADICATION OF COLONIALISM -
Summary**

The recent experiences of direct contact of the Committee on the ground in non-self-governing territories has illustrated the need for, and usefulness of, accurate and authoritative information on self-determination being provided to the governments and people of the NSGTs by the United Nations.

Recent events in the U.S. Virgin Islands reveal a profound lack of information and understanding of the issues of decolonization, self-determination and political status within the political directorate and the population, and a disinclination to accept correct information from local persons.

There is an urgent need for the Committee to facilitate the provision of information and education on political status issues to the NSGTs."

In the past twelve years, the knowledge and understanding of the political

status and options of the USVI amongst both the general population and the political elite has actually deteriorated and the deterioration has been sharp.

Let me begin with the so-called "issue" of the Presidential vote. As even a casual reader of the U.S. Constitution knows, the President of that country is indirectly elected by a body known as the Electoral College whose members are elected by the constituent states of the USA, plus the Capital district, known as the District of Columbia. Although hyped as a nationwide "Presidential election", the quadrennial event is actually 50 simultaneous state elections and 1 district election. While markedly similar across the board, the qualifications for voting are set for their citizens by each state. Since the USVI is, under U.S. law, an unincorporated territory and therefore not a part of the U.S., citizens living there do not participate in this event.

This US constitutional fact has not stopped ordinary voters and public figures such as the past and present elected delegates from the Virgin Islands to the US Congress from maintaining that their U.S. citizenship is somehow "impaired" by the inability to vote for the President while being a resident of the Territory.

Mr. Chairman,

The conflation of the territory with the administering Power and the negation of any separate identity goes much deeper than a desire to vote for the president while living in the territory. As a NSGT, the USVI has no vote in either

of the Houses of the US Congress. In order that its interests can be heard, the territory elects a non-voting Delegate to the Congress, who sits in the House of Representatives and can speak there on behalf of the territory. That delegate is not a member **of** the Congress, but a delegate **to** the Congress.

Although prior delegates were known to refer to themselves as Congressman or Congresswoman on occasion, the current Delegate uses this title almost exclusively, in the signage of her offices, on her stationary and in her press releases and other public statements.. The distinction which is being obliterated here is an important one, an Congresswoman is a member of the Congress representing her district in the legislative body in which she participates and votes. A Delegate addresses the legislative body of which she is not a part on behalf of her constituents. One is on the inside looking out, the other is on the outside looking in.

Neither of these matters would be of concern if there had been an informed decision by the people to move towards integration with the US, since the impetus, whether conscious or unconscious, behind both of these actions is such integration. However, no such decision has been made. In fact, there has been no generally informed exposition of, or debate about, the three options of Resolution 1541(XV), ever.

Ten years ago, the USVI was engaged in its third attempt to write and enact its own constitution to replace the federal law which serves in that capacity.

This despite the fact that the population had voted in a referendum in 1982 to deal with the status issue before addressing a new constitution. The US law which authorized the constitutional process required that the proposed document be approved by the federal government before being submitted to the people of the territory for adoption. That approval was not given because of protections offered to certain Virgin Islanders with ancestral ties to the territory which were not afforded to more recent immigrants.

In 2010, the delegates to the US Congress from the three NSGTs of American Samoa, Guam and the US Virgin Islands asked the Congress to pass a bill to provide funding for educational programs on political status options in the three territories. The comprehensive programs that were needed then are needed even more now.

Mr. Chairman,

In 2013, the then-President of the Virgin Islands legislature and the then-Delegate to Congress sponsored a talk by a Washington, DC based lawyer, originally from the western US but who grew up in Guam, who had sued the U.S. government on behalf of several natives of American Samoa who had immigrated into the state of California and wanted to be recognized as U.S. citizens rather than U.S. nationals. His argument, at base, was that all persons born under the US flag were citizens by right. He was opposed by the government of American Samoa, which argued that the extension of U.S. citizenship to the people of

American Samoa would cause the destruction of the communal basis of their society by forcing them to eliminate all differences between the indigenous people and immigrant American citizens. The lawsuit was dismissed at the trial level and on appeal, with the federal appellate court pointing out that:

“We can envision little that is more anomalous, under modern standards, than the forcible imposition of citizenship against the majoritarian will. See, e.g., U.N. Charter arts. 1, 73 (recognizing self-determination of people as a guiding principle and obliging members to ‘take due account of the political aspirations of the peoples’ inhabiting non-self-governing territories under a member’s responsibility)”.

However, the lawyer, who was honored by the Virgin Islands Bar Association¹ in 2015, has continued his assault on self-determination, enticing the St. Thomas chapter of the respected League of Women Voters to join a lawsuit attempting to allow participation in presidential elections by U.S. citizens who have moved outside the country. Although consistently unsuccessful in court, he has been able to garner financial and moral support by casting his efforts as supportive of civil rights and voting rights. His “We, the People” project spreads his message that all US territories should be as much like the U.S. itself, with no acknowledgment of the special status of an NSGT and the right of its people to self-determination.

Less than two months ago, on 30 March 2017, the USVI commemorated

¹The honorary membership, which was proposed by the Board of Governors and is normally approved without debate or dissent, was debated and did not receive unanimous approval after a presentation by this writer.

the 100th anniversary of the transfer of the territory from Denmark to the United States. This should have been an occasion for serious reflection on our present situation and prospects for the future. While the US government has provided funds for activities throughout a 12 month period, the emphasis appears to be more on looking to the past as the source of local culture and there has been no vigorous discussion or debate about the options that exist for the way forward.

In fact, the commemorations have routinely been described as the 100th anniversary of “becoming a part of the United States”.

Mr. Chairman,

Without a drastic and thoroughgoing re-evaluation and re-structuring of work of the Committee, without any diminution of its aims and ideals, this Third International Decade may simply morph into the Fourth and Fifth until the effort simply dies from neglect and inactivity. This would be a tragedy for the people of the remaining mostly small island territories on the list.

It is a tribute to the power of focused and targeted information that the “We, the People” project has created the impression that its defeat in court was based on outdated, racist cases from the early 1900s rather than the reasoning that I have quoted above. The generalised dwindling of interest in the concept and reality of self-determination amongst the people of the islands is neither natural nor inevitable. It is the result of the lack of focused and targeted information linking those concepts and realities to the lives of the people.

The very idea of self-determination is the opposite of the languor induced by the conviction that one's destiny is out of one's hands. Another, perhaps more political, name for that is alienation. Whichever term is preferred, the continued experience of modern colonialism encourages this defection from the human values of self-definition and creativity.

If the purpose of this committee is to eradicate colonialism, it cannot simply sit, collect data, listen to repetitive or even disturbing reports from NSGTs while politely asking the Administering Powers to act in accordance with the principles of the UN Charter and Resolutions. It must find ways to assist the people of the NSGTs with the tools needed to move forward, on a case-by case basis, to freely determine the option they prefer and to move forward to implement that decision.

Mr. Chairman,

Education and knowledge is key. I urge the establishment of a small expert group to evaluate the resources of the UN and its associated agencies, the needs and resources of the NSGTs with regard to the issues addressed by the Committee, and to recommend how the former can beneficially interact with the latter to generate positive movement towards the goal of eradicating colonialism.

Thank you, Mr. Chairman.