

Distr. RESTRICTED

PRS/2018/DP.3

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: towards the achievement of the Sustainable Development Goals in the Non-Self-Governing Territories: social, economic and environmental challenges

**Saint George's, Grenada
9 to 11 May 2018**

DISCUSSION PAPER

PRESENTATION

BY

MR. CARLYLE G. CORBIN

United Nations Special Committee on Decolonisation
Pacific Regional Seminar on the Third International Decade for the
Eradication of Colonialism

9-11 May 2018

The Role of the United Nations (UN) System in helping the Non Self-governing Territories (NSGTs) to achieve the Sustainable Development Goals (SDGs)

Carlyle G. Corbin

INTRODUCTION

As the theme of the current seminar focuses on overall implementation of the Third International Decade for the Eradication of Colonialism (IDEC), with specific relevance to the achievement of the Sustainable Development Goals (SDGs) in the Non Self-Governing Territories (NSGTs), the focus of the current paper is on *"The Role of the United Nations (UN) System in helping the NSGTs to achieve the Sustainable Development Goals (SDGs) in accordance with relevant United Nations resolutions,"* as identified in paragraph 6(3) of the Guidelines and Rules of Procedure of the Pacific regional Seminar.¹ The paper is specifically related to the Small Island Non Self-Governing Territories (SI-NSGTs) in the Caribbean and Pacific.

The focus of the 2018 seminar on the particular question of the economic and social development through the realisation of the SDGs must not be taken as a deviation from the general question of political decolonisation for the territories. Thus, the particular question of the economic and social dimension cannot be addressed in isolation from the the general question of how to solve the contemporary colonial dilemma with which the SI-NSGTs are faced.

The U.N. has long categorised decolonisation as an issue of Peace and Security. Thus, there is a direct line between the decolonisation process and *SDG # 16 - Peace, Justice and Strong Institutions*. If there is any question as to this organic link between decolonisation and peace, one only has to acknowledge the history of member States whose independence was hard fought after the acceleration of the 1960 Decolonisation Declaration period, including the successful independence of Namibia at the beginning of the 1990s after warfare with the apartheid State which occupied it.

The linkage between peace and security and decolonisation did not end there, and are witnessed in contemporary terms. The ongoing process of decolonisation in New Caledonia² following the signing of the Matignon and Noumea Accords, under the watchful eye of the UN Decolonisation Committee (C-24), emerged from the response of the indigenous peoples to settler domination which resulted in the death of many Kanaky freedom fighters. The ongoing efforts of the progressive forces in French Polynesia³ to gain proper reparation for the health, economic and other consequences of thirty years of nuclear testing are also to be recognised in the context of war and peace amid the continued reluctance of the administering Power to accurately acknowledge and adequately compensate the affected persons and their families.

¹ United Nations Document A/AC.109/2018/19 of 9 April 2018.

² The territory's indigenous name of Kanaky is also used in other UN bodies.

³ The territory's indigenous name of Ma'ohi Nui is also used in other UN bodies.

Table 1. Non Independent Atlantic/Caribbean (2017)

<u>Non-Self Governing</u>	<u>Autonomous</u> *	<u>Full / Partial Integration</u> *
Anguilla 1/	Aruba 3/ 9/	Guadeloupe /8 9/
Bermuda 1/	Curacao 3/ 9/	Martinique /8 9/
British Virgin Islands 1/	Sint Maarten 3/ 9/	Guyane 8/ 9/
Cayman Islands 1/	Puerto Rico 7/ 9/	Bonaire 6/ 9/
Montserrat 1/	Fr. Saint-Martin 4/ 9/	Saba 6/ 9/
Turks & Caicos Islands 1/	Saint-Barthélemy) 4/ 9/	St. Eustatius 6/ 9/
U.S. Virgin Islands 2/	Greenland (<i>Atlantic/Arctic</i>) 5/ 9/	
	Faroe Islands (<i>Norwegian/N. Atlantic</i>) 5/ 9/	

* FOR COMPARISON PURPOSES ONLY.

1/ British administered dependent territory, listed by UN as non self-governing.

2/ U.S. administered dependent territory, listed by UN as non self-governing.

3/ Semi-autonomous country within the Kingdom of the Netherlands.

4/ Autonomous collectivity with France.

5/ Autonomous arrangement with Kingdom of Denmark.

6/ Partially integrated with Holland.

7/ Un-listed territory on agenda of the U.N. Decolonisation Committee

8/ Overseas department fully integrated with France

9/ Formerly an NSGT and removed from UN list by General Assembly resolution.

Source: Dependency Studies Project (DSP), St. Croix, Virgin Islands (2017)

The U.N. decolonisation process addresses only those which are formally designated by the General Assembly as Non Self-Governing Territories (NSGTs), and assigned to the UN Decolonisation Committee for consideration. However, to more deeply recognise the challenges faced by the Small Islands Non-Self-Governing Territories (SI-NSGTs), such an examination of the broader governance mosaic which comprised these two regions is useful.

The Historic United Nations Mandate

The Sustainable Development Goals (SDGs), and its forerunner Millennium Development Goals (MDGs) are constructs of the United Nations General Assembly with concentration on implementation in favour of U.N. member States. For the NSGTs, a fundamental question is how they can interface with those UN mechanisms designed for States to realise the SDGs. These questions speak to the level of implementation of U.N. resolutions aimed to assist the SI-NSGTs in their respective development processes by facilitating their participation in programmes and activities of the U.N. system under appropriate modalities.

Interestingly, there is a longstanding mandate to this effect. The participation of NSGTs in programmes and activities of the wider United Nations (UN) system has been the stated aim of the international community since the first session of the UN General Assembly in 1946 when the list of NSGTs was formally created.⁴ In this connection, resolutions and decisions of the UN General Assembly and the Economic and Social Council (ECOSOC) have directed, encouraged, and requested the wider UN system to facilitate the participation of NSGTs in UN programmes in order to enhance the socio-economic development process of these territories. At the first UN Regional Seminar (1991) of the first International Decade for the Eradication of Colonialism (IDEC), the statement of the representative of the US Virgin Islands Government chronicled this UN legislative authority to that point⁵ :

The direct linkage between the decolonization process and the participation of our territories in the United Nations system has been recognized by the U.N. General Assembly as far back as its sixth session. Resolutions over four decades in this connection have called for the use of special provisions in the terms of reference of specialized agencies and regional economic commissions to provide for the admission of NSGT's as associate members or observers, and for the progressive increase in participation of these territories in the work of the technical organs and specialized agencies of the U.N. system.

⁴ See U.N. General Assembly Resolution 66 1 (1946)

⁵ Statement of the Representative for External Affairs, Government of the U.S. Virgin Islands, to the U.N. Caribbean Regional Seminar of the Special Committee on Decolonisation; St. Georges, Grenada (1992).

The people of the territories themselves have also endorsed their direct involvement in programs and activities of the U.N. system at both the Pacific and Caribbean decolonization seminars held in Vanuatu and Barbados, respectively, in May and June 1990.

As noted, a number of specialized agencies associated with the U.N. have taken steps to increase NSGT participation, but others have not proceeded as quickly.

Consistent with this early UN legislative authority as outlined in the excerpts of one NSGT statement at the first UN regional seminar in 1991, subsequent views of the NSGTs at later regional seminars throughout the first second and the present third IDECs were chronicled at the 1998 Pacific regional seminar in Fiji in the form of a comprehensive blueprint derived from the recommendations of the seminars held to that point. The key recommendations called for: ⁶

- * U.N. assistance to the territories in conducting a fair and unbiased political education for the peoples concerned.
- * Direct and closer participation of the NSGTs in the work of the U.N. as an effective means of promoting the progress of the peoples of those territories.
- * Inclusion of NSGTs in the programmes and projects of the U.N. system such as those envisaged under the International Decade for Natural Disaster Reduction and those designed to assist island developing countries.
- * Greater membership and participation of NSGTs in subregional, regional and international organizations
- * Participation of representatives of elected governments of NSGTs to participate in the meetings of the Special Committee and its subcommittee in an official observer capacity,
- * Inclusion of provisions for observer status for NSGTs in technical programmes of the Economic and Social Council (ECOSOC) and the General Assembly

Many of these earlier recommendations of the NSGTs have been repeated in regional seminars over the last 25 years to present day. Some of these ideas have also

⁶ "A Plan of Action for The Self-Determination Of The Remaining Non-Self-Governing Territories" A Paper Delivered by Dr. Carlyle Corbin to The Pacific Regional Seminar, United Nations Special Committee on Decolonisation; Nadi, Fiji, 16 June 1998

relevant UN agencies depending on the scope and nature of the requirements of the territory. In recent years, as GDP per capita income was increasingly used as the determinant for UNDP assistance, these territories were limited to participation in regional programmes unless they used their own funding to access UNDP assistance.

As noted above, the participation of Non-Independent Countries (NICs), including the NSGTs, in programmes and activities of the wider United Nations system has been a special aim of the General Assembly since its sixth session as part of the Secretary-General's Memorandum of points for consideration in the development of a twenty-year programme for achieving peace through the United Nations. Point nine of that Memorandum advocated the use of the United Nations as a means of promoting "by peaceful means the progress of dependent colonial or semi-colonial people to a position of equality with member States of the United Nations".

This theme was first adopted by the General Assembly in its resolution 566(VI) of 18 July 1952 which stated that the direct association of non-independent countries in the work of the United Nations, and of the specialised agencies, is an effective means of promoting the progress of the peoples of those territories. The Assembly recommended the use of special provisions in the constitutions of specialised agencies and of the regional commissions to permit the admission of these countries as associate members. These themes have been included routinely in resolutions of the General Assembly, and of the Economic and Social Council (ECOSOC) since that time, most recently in UNGA Resolution 70/96 of 9 December 2015, and ECOSOC Resolution 2015/16 of 20 July 2015. Further, General Assembly Resolution 70/231 of 23 December 2015:

"Request(ed) the Secretary-General, the specialised agencies and other organisations of the United Nations system to provide economic, social and other assistance to the NSGTs."

Regional Economic Commissions

As recent as 2015 in advance of the return to individual resolutions for the SI-NSGTs, the General Assembly in its omnibus resolution on the SI-NSGTs (Resolution 70/102 of 9th December 2015) noted with appreciation the contribution to the development of some territories by the specialised agencies and other organisations of the United Nations system, in particular the Economic Commission for Latin America, and the Caribbean (ECLAC), and the Economic and Social Commission for Asia and the Pacific (ESCAP). Resolutions in 2016 and 2017 have repeated these references.

- * A Plan of Action for the Further Integration of Associate Member Countries in the United Nations System including its specialised agencies in the economic and social sphere – 2007

Assessing Opportunities for NSGT integration in the U.N. System

A most recent study undertaken for ECLAC in 2017 entitled “*Assessing Opportunities for enhanced of the Economic Commission for Latin America and the Caribbean (ECLAC) integration of the associate members*”⁸ “explored options for a design of a strategy of programme support to accelerate the economic and social progress,” and to identify opportunities to further integrate the NSGTs into ECLAC’s programmes of development support. The findings of the study outline a number of the key challenges faced by the NSGTs particularly relevant to the SDG-NSGT nexus:

- While the NSGTs share common needs, including challenges related to climate change and natural disaster vulnerability, heavy reliance on fossil fuel and limited institutional capacity, the individual circumstances between them are unique.
- A number of the NSGTs in the Caribbean region “are major players in the international financial sector but are prone to pressure from developed countries who regularly call for certain reforms to be undertaken in the constant dialogue if nuance between perceptions of legality of tax avoidance versus the illegality of tax evasion.”
- Serious budgetary shortfalls and high public sector debt to GDP ratios are major concerns, and are exacerbated by their inability to access concessionary resources owing to their classification as middle and upper middle income countries, as well as restrictions of access based on their non-sovereign status.
- Resultant austerity measures such as those enacted in Puerto Rico as a result of the debt crisis (*and the unilateral takeover of the elected government’s financial administration by the AP*) have increased poverty with a concomitant increase in out-migration of skilled labour, and making it extremely difficult to finance much-needed infrastructural upgrades. (*The level of destruction of the electricity system in Puerto Rico during Hurricane Maria in 2017 was exacerbated by deferred maintenance due to a lack of financial resource*).

⁸ “*Assessing Opportunities for enhanced integration of the associate members of the Economic Commission for Latin America and the Caribbean*,” A study prepared for the ECLAC Subregional Headquarters for the Caribbean, *Studies and Perspectives Series, United Nations Publication LC/CAR/TS/2017/4*. Alexander, Dale and Corbin, Carlyle.

It is to be emphasised that such direct participation by NSGTs as associate members or observers, or as recipients of assistance, is undertaken pursuant to the terms of reference of the institution, and in addition, the administering Power must concur with the type of participation. Nevertheless, member State abstentions persist on the resolutions in the UNGA and ECOSOC on this agenda item based on the need for respect for the rules of procedure of the respective bodies. In fact, such participation cannot be undertaken without these rules being respected, but the abstentions continue, nevertheless. The lack of consensus on these resolutions can send a signal to UN agencies that this is not a priority of the General Assembly.

The participation of NSGTs in the world conferences and the special sessions of the UNGA on issues in the economic and social sphere represent a main development emanating from the period of the first IDEC.. However, in a number of instances, such as in the case of the evolution of the SDGs, there were no provisions for NSGT participation at the global level. Efforts should be made to ensure that the rules of procedure of global conferences in the economic and social sphere reflect the observer status category for NSGTs as a matter of course consistent with longstanding UN practice dating back over 25 years.

Consideration should be given to implementing recommendations made at earlier UN seminars for the adoption of a specific resolution entitled "*Support to the Small Island Non Self-Governing Territories from the United Nations system.*" This would distinguish the resolution from the annual text on implementation of the Decolonisation Declaration by the specialised agencies and other international institutions associated with the U.N. In this context, the UN economic and technical agencies simply do not see their role as implementing the Decolonisation Declaration, despite the annual General Assembly and ECOSOC resolutions calling on them to do so. They might respond more favourably to a more economic-focused resolution of "providing support" to NSGTs which the agencies may regard as more in line with their mandate. To this stage, the perception of the political nature of the issue is part of the reason why the SG Report on implementation of this resolution contains insufficient agency responses. Even as the an agency may actually be providing technical and other assistance to the territories, it may not regard as part of its mandate to implement the Decolonisation Declaration.

The area of assistance to the NSGTs from the wider U.N. system can be successfully used to implement the decolonisation mandate consistent with annual General Assembly resolutions⁹. In this connection, the Assembly has welcomed the

⁹U.N. General Assembly Resolution 71/104 of 6 December 2016 on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

role of a number of U.N. bodies (noted above) in providing assistance to the NSGTs, while it is clear that adjustments are needed to stimulate further action on the part of other agencies which have not implemented UN resolutions on the question.

At the same time, the in-depth policy research, analysis and capacity building undertaken by the regional economic commissions in the socio-economic development of the NSGTs represent an opportunity for the C-24 to develop the formal collaboration with the wider UN system long called for by the General Assembly, to provide for comprehensive information and analysis on the NSGTs to be made available to member States. As a start, the various studies and analyses done by ECLAC in relation to the NSGTs should be made official documents of the U.N. General Assembly under the relevant agenda items.

Finally, on the question of U.N. agency collaboration, the General Assembly:

"Recalls the publication by the Department of Public Information and the Department of Political Affairs of the Secretariat, in consultation with the United Nations Development Programme, the specialized agencies and the Special Committee, of an information leaflet on assistance programmes available to the Non-Self-Governing Territories, which was updated for the United Nations website on decolonization, and requests its continued updating and wide dissemination."

On this point, it is to be noted that whilst the "information leaflet" provides useful general information on a number of U.N. bodies, contact information and their general area of specialisation, the leaflet needs to be made more relevant to the NSGTs themselves in terms of how the territories might actually access these U.N. bodies. For example, what is the status of membership offered to the NSGT by the agency concerned? What is the current level of participation of the NSGTs? Are there costs associated with the membership?

In the final analysis, the extent to which the NSGTs can advance to a position of economic and social sustainability is directly related to the extent to which the UN system can provide the political space for their engagement with the UN process. In this sense, the achievement of the SDG would heighten the possibilities for further political advancement towards the full measure of self-government by reducing some of the perceived obstacles of economic dependency on the AP to a position of genuine decolonisation.

by the specialized agencies and the international institutions associated with the United Nations.