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FOURTH INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

**Caribbean regional seminar on the implementation of the Fourth
International Decade for the Eradication of Colonialism:
pursuing goals and addressing needs of
the Non-Self-Governing Territories**

Caracas, Venezuela (Bolivarian Republic of)
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DISCUSSION PAPER

PRESENTATION

BY

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Modalities for Implementation of the United Nations Decolonisation Agenda

**Paper presented to the
United Nations Caribbean regional seminar on the implementation of the Fourth
International Decade for the Eradication of Colonialism: pursuing goals and addressing
needs of the Non-Self-Governing Territories**

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INTRODUCTION

The present paper begins with a quote by the late renowned Caribbean political economist Dr. Norman Girvan who wrote in 2012 that:

The contemporary Caribbean is one of the most politically fragmented regions for its size on earth; and one with the strongest remaining colonial presence. Political divisions and external control are major blocs to the consolidation of a Caribbean identity and the charting of an independent course of development in the interest of Caribbean peoples.¹

As contemporary colonialism in the island territories of the Caribbean and Pacific continues to prevail more than two decades into the 21st Century, dependency governance variants have evolved through colonial reform and modernisation. Thus, the colonial legitimisation era emerged at the beginning of the 1990s and persists through present day (Corbin, 2011). This narrative seeks to convince the territories and the international community alike that dependency governance is a legitimate form of democracy and only needs to be reformed and modernised. This results in minimal or no engagement by administering Powers with the UN decolonisation process.

It is unsurprising, therefore, that the United Nations (UN) roster of Non Self-Governing Territories (NSGTs) has remained virtually unchanged at seventeen with no territory achieving the requisite Full Measure of Self-Government (FMSG) since Timor Leste in 2002.² In the Caribbean the last territory to achieve full self-government was Saint Kitts and Nevis in 1983. This political stagnation has come, paradoxically, amid UN General Assembly approval of plans of action of four successive International Decade(s) for the Eradication of Colonialism (IDEC) first adopted in 1990. Insufficient implementation of the decolonisation mandate contained in Chapter XI of the UN Charter and decades of UN General Assembly resolutions remains the most fundamental challenge to the defrosting of the UN decolonisation agenda.

I. THE STATE-OF-PLAY

Thirteen of the seventeen remaining Non Self-Governing Territories (NSGTs) are Island territories in the Caribbean and Pacific. Both regions have further dependency governance models of either partial autonomy, or partial integration, but the examination of these territories

¹ Norman Girvan, Colonialism and Neo-colonialism in the Caribbean: An Overview, Prepared for IV International Seminar Africa, The Caribbean and Latin America, St. Vincent and the Grenadines, 24th- 26th November, 2012.

² The Caribbean NSGTs are the six British-administered overseas (dependent) territories of Bermuda, Turks and Caicos Islands, Cayman Islands, The Virgin Islands, Montserrat and Anguilla; and the United States-administered US Virgin Islands. Puerto Rico is not formally listed by the UN as an NSGT but is examined annually by the UN Special Committee on Decolonisation (C-24) pursuant to Committee resolutions beginning in 1972.

is not currently within the purview of the UN. Meanwhile, the listed NSGTs are administered through a variety of dependency governance arrangements with various forms of administrative (*not political*) autonomy exercised through varying degrees of delegated power to elected territorial governments.

II. THE HISTORICAL MANDATE

The mandate for the international process of self-determination and its consequent decolonisation predates the UN Charter and has its genesis in the 1919 Covenant of the League of Nations (Article 22) which applied to the "colonies and territories" the principle that "the well-being and development of such (colonised) peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant" (Covenant of the League of Nations, 1919).

This standard was subsequently reflected in the bilateral 1941 Atlantic Charter between the UK and US, and was later codified in the Dumbarton Oaks proposals preparatory to the 1945 UN Charter in which these principles were established in Chapter XI, and requiring the administering Powers "to develop self-government (in the NSGTs), to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions (UN, 1945)." The UN list of NSGTs followed in 1946 (UN, 1946).

Subsequently international instruments were adopted, in particular the International Covenants on Human Rights; the Decolonisation Declaration [UN Resolution 1514 (XV)], and annual decolonisation resolutions of the UN General Assembly, the Economic and Social Council (ECOSOC), the Human Rights Council, and other UN bodies.

Three Periods of Decolonisation

Three periods of decolonisation have been identified since the adoption of the UN Charter. The first period was the Decolonisation Engagement Period (1946-1960) following the initial voluntary inscription in 1946 of territories under the respective administering Powers.³ This period marked the beginnings of the formulation of the international standards for defining full self-government (Corbin, 2016).

The second period was the Decolonisation Acceleration Period (1960-1990) which followed the adoption of the Decolonisation Declaration (UN, 1960a) and its companion Resolution 1541(XV) (UN, 1960b). which established principles for the attainment of the full measure of self-government (FMSG) through the identification of minimum standards for independence, free association, and integration. The entry into force of these 1960 resolutions served to advance many African, Caribbean, and Pacific territories to full self-government during this period of decolonisation acceleration. For the Caribbean, this came over a century

³ See UN General Assembly Resolution 66-1 of 14 December 1946.

and a half after emancipation from chattel slavery. Thus, the independence of those Caribbean countries constituted the final stage of emancipation. The rest have not completed the emancipation process.

Thus, we are presently in the third period, known as the Decolonisation Deceleration Period (1990-present) which has seen a stagnation of the process. This began at the point of convergence of three events. The first such event was the thawing of the Cold War at the beginning of the 1990s; the second event, the independence of Namibia (*leaving mostly small island territories remaining*); and the third event, the beginning of a post-Cold War UN reform process which resulted in the relegation of decolonisation to a position of lesser importance on the list of UN priorities. In illustration, Decolonisation is no longer referenced in the Secretary-General's *Report on the Work of the Organisation*.

Decolonisation stagnation has resulted in the *repetition of process* where resolutions are adopted without accountability for their implementation. In this regard, successive presidents of the UN General Assembly announce each year before the adoption of decolonisation resolutions that 'none of these (decolonisation) resolutions have any financial implications.' But without sufficient resources or innovative strategies, the mandated actions cannot be implemented, even as they are fundamental to the resumption of the decolonisation process. Three such initiatives mandated by the General Assembly are illustrative:

III. IMPLEMENTATION OF THE DECOLONISATION MANDATE

Three such areas are highlighted:

- **1. Political education programmes**

The first mandated action is the development by the UN of political education programmes designed to heighten the awareness of the people of the territories on the legitimate options available to them. The programmes would be useful in advising member States of the nature of the complexities of contemporary colonial arrangements. In this regard, the plans of action of the four International Decades for the Eradication of Colonialism call for comprehensive reviews of each territory.

However, neither the political education programmes nor the review of each territory is included in the UN budget and have not been undertaken - with the exception of a UN observation role in the faulty referendum process in New Caledonia. It is to be noted that the mandated activities of the plan of action of the four IDECs are not included as "deliverables" in the UN decolonisation budget.⁴ In the absence of these activities, a number of Caribbean and Pacific territorial governments commissioned independent expert Self-Governance Assessments⁵ to provide the member States with effective

⁴ See Proposed Programme Budget for 2023, Part II Political Affairs, U.N. Document A/77/6 (Sect. 3), 3 May 2022.

⁵ Self-Governance Assessments (SGAs) utilise the Self-Governance Indicators (SGIs) diagnostic tool which comprehensively assesses the level of preparation for the full measure of self-government in advance of the transfer

analysis of their respective political status arrangements and their adherence to the international law of the full measure of self-government.

- **2. The Plan of Implementation (POI) of the Decolonisation Mandate**

The second mandated action to be referenced is the Plan of Implementation of the Decolonisation Mandate endorsed by the General Assembly in 2006.⁶ This Plan identified the relevant UN agency best suited to assist the territories in their capacity building which is preparatory to the requisite transfer of power leading to a legitimate act of self-determination and consequent decolonisation. As in the case of other decolonisation resolutions, the POI was never given effect and remains a dormant blueprint for the role of the wider UN system in the decolonisation process (Corbin, 2010).

Table 1.

PLAN OF IMPLEMENTATION OF THE DECOLONISATION MANDATE

Implementing Bodies

- United Nations Department of Public Information (DPI)
- Decolonization Unit, Department of Political Affairs (DU/DPA)
- Electoral Affairs Division, Department of Political Affairs (EU/DPA)
- United Nations Secretary-General
- United Nations Development Programme (UNDP)
- United Nations Environment Programme (UNEP)
- United Nations Regional Economic Commissions
- President of the Economic and Social Council (ECOSOC)
- Chairman of the Special Committee on Decolonization
- Special Committee on Decolonization
- Administering Powers
- Independent Expert

Source: Plan of Implementation of the Decolonization Mandate 2006-07

of power. SGAs for NSGTs have included Self-Governance Assessment of French Polynesia (2013), Self-Governance Assessment of the Virgin Islands (British) (2021), Self-Determination Study for Guahan (2021) Self-Governance Assessment of Bermuda (2022).

⁶ See UN Resolution 61/130 of 14 December 2006, p. 34.

PLAN OF IMPEMENTATION OF THE DECOLONISATION MANDATE

FOCUS AREAS

- Information Regarding Non Self-Governing Territories (NSGTs)
- Participation of NSGTs in the UN Review Process on Decolonization
- Analysis of the existing political and constitutional arrangements in the NSGTs
- Visiting Missions
- Protection, Conservation, Ownership and Control of Natural Resources
- Educational Advancement
- Development of Self-Government
- Support to NSGTs from the United Nations System

Source: Plan of Implementation of the Decolonization Mandate 2006-07

• **3. Decolonisation Constructive Programme of Work**

The final unimplemented mandate is the comprehensive constructive work programme for each territory adopted by the General Assembly annually since 1999. This comprises 6 steps:

- **Comprehensive examination** of the political and constitutional relationship of the territory and its administering Power.
- **Educational programme** to heighten the awareness of the people of their legitimate options of political equality in conjunction with territorial academic and other institutions.
- **UN Visiting Mission** to the territory to determine the level of preparation for the act of self-determination.
- **Act of Self-Determination** via referendum, and UN confirmation of result.
- **Timetable for Transfer of powers.**
- **UN resolution to de-list territory** following the transfer of power.

It is to be noted that “constructive programmes of work on a case-by-case basis for the decolonization of the NSGTs” was added as an expected outcome in the UN decolonisation budgets for 2022 and 2023. However, no such work programmes were undertaken.

OBSERVATIONS

The implementation of these General Assembly mandates on decolonisation forms an effective roadmap for thawing the decolonisation agenda and to resume the advancement of the territories towards the full measure of self-government (Overseas Territories Report, 2006). Accordingly, The Special Committee may wish to consider:

- Requesting the UN Secretary-General to present a comprehensive report to the General Assembly on the state of implementation of the specific actions called for in decolonisation resolutions, identify the challenges to UN implementation, and identify the necessary resources to advance the process. These would include innovative modalities such as Special Rapporteurs, expert groups, and cooperation with tertiary institutions from the territories, among other measures.
- Initiating engagement with other UN mechanisms including the Permanent Forum on Indigenous Issues, the Permanent Forum on Peoples of African Descent, the Expert Mechanism on the Rights of Indigenous Peoples, and the Committee on the Elimination of Racial Discrimination, the Human Rights Council, *et al* with related mandates.
- It is recalled that the General Assembly annually recognises that there is no alternative to the right to self-determination, which is a fundamental human right. In this regard, the Human Rights Council adopted its Resolution 48/7 of 8th October 2021 on the “*Negative impact of the legacies of colonialism on the enjoyment of human rights.*” A subsequent panel discussion was held at the 55th session of the with a summary report requested of the Office of the UN High Commissioner for Human Rights. The Decolonisation Declaration and the General Assembly resolution on the Fourth IDEC were included as documents of the panel discussion with participation from relevant UN human rights bodies – but the Special Committee on Decolonisation was not represented.
- The Special Committee should be in the forefront of such activities as it is the primary entity within the UN system on decolonisation. To begin, the relevant resolutions and reports of the regional commissions, human rights mechanisms, *et al* should be included in the list of relevant documents available to the member States of the Special Committee. The General Assembly has always encouraged such collaboration, and this should be given effect.

CONCLUSION

At the end of the day, implementation is not just a possibility. It is an imperative. Prevarication is not sufficient. The lack of progress and innovation has encouraged a *de facto* legitimisation of the inequality of contemporary colonialism that is in contravention of international law. Without sufficient progress on the ground in the territories themselves, the U.N. suffers from a crisis of legitimacy in many territories. This encourages an unwarranted acceptance of modernised colonialism. The implementation deficit has morphed into

implementation fatigue. An acceptance of modernised colonialism in perpetuity must be avoided. Since the UN Charter, colonial status was meant as a preparatory phase to the full measure of self-government – not its embodiment.

As was emphasised in the 2023 seminar in Bali, the seminar themes such as “*sustainable development*” or the current “*Pursuing goals and addressing needs of the Non-Self-Governing Territories*” should not be seen as cover for the acceptance of modernised dependency models of governance. These are nothing more than tools to be used to prepare the territories for the full measure of self-government. This is the goal to be pursued and the need to be addressed for the NSGTs.

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