

Forum: General Assembly 4

Issue: Protecting the interests of the peoples of Non-Self-Governing Territories

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Introduction

In 1960, the United Nations called for independence for all colonial countries. Adopted by the General Assembly, the Declaration on the Granting of Independence to Colonial Countries and Peoples, also known as the Declaration on decolonization, stated that all people have a right to self-determination and proclaimed that colonialism should be brought to a speedy and unconditional end. As of 2017, 17 regions around the world remain colonies; also known as Non-Self-Governing Territories (NSGTs), but the number of NSGTs, over the last seventy years, has decreased drastically.

The concept of colonization has been practiced by all major nations or empires for centuries, especially during the 'Colonial Era' or 'Age of Discovery' which spanned 5 centuries; the 16th till the 20th. During this era, European countries conquered much of the world; the United Kingdom was especially prolific, and their colonies could be found on every continent; France also owned many territories, especially in Africa; Spain claimed much of the Americas; Portugal, Italy, and the Netherlands also had several colonies between them. The United States acquired numerous Pacific Island nations later in the 1800s. It wasn't until the end of the Second World War that the issues caused by colonies and the idea of decolonization came into question. It was around that time that the United Nations was established, with nearly a third of the world; 750 million people, living in NSGTs. Today only 2 million people live in NSGTs in several regions of the world including: Western Sahara, Gibraltar, Bermuda, Guam and New Caledonia.

Often a major problem facing many NSGTs is their fragile economies but that is the state of many developing countries. In addition to this problem, NSGTs, in particular, suffer from vulnerability to natural disasters, geographical dispersion, fragility of ecosystems, constraints in transport and communications, loss of culture and language, lack of natural resources and vulnerability to drug-trafficking and other illegal activities. The Special Committee on Decolonization, therefore, continually tries to work alongside

Administering Powers to facilitate the sustained growth of their fragile economies and also take into account any other issues affecting the interest of people living in NSGTs.

Definition of Key Terms

Non-Self-Governing Territories (NSGT)

A Non-Self-Governing Territory is one that is colonial and dependent on another country; the administering power. It is, in simple terms, governed by another country.

Self-determination

It is a human right. It entails that people are free to determine their sovereignty and international political status with no interference and to also freely pursue their economic, social and cultural development.

Administering Power

Member states in control of Non-Self-Governing Territories; they administer Non-Self-Governing Territories. For instance, the United States is the administering power of Guam. The administering powers have the obligation to ensure the wellbeing of the inhabitants of their colonies, to help them prosper to cooperate with the UN.

Decolonization

The withdrawal of an administering power from its NSGT; the acquisition of political and economic independence by such colonies.

Referendum

In the context of this topic it is often an independence referendum which is a referendum in which citizens vote on whether their territory should become an independent sovereign state. A referendum is a general vote by all the people in a country (the electorate) on a political question referred to them for a direct decision.

UN Charter

A constituent treaty in which all members are bound by its articles. It was signed in 1945 and is, in essence, the foundational treaty of the United Nations, in fact, Article 103 of the Charter states that obligations to the United Nations prevail over all other treaty obligation.

Background Information

The situation in Guam

Guam is a NSGT under the administering power of the US and it is considered one due to the fact that Guamanian people cannot vote for president or a congressional representative to vote on the laws that will apply to themselves. Much like American Samoa, the Northern Marianas Islands, the US Virgin Islands, Puerto Rico, and the District of Columbia, Guam has a non-voting representative in Congress. These delegates are given all the privileges of other congressional representatives—they can serve on committees, speak on the house floor, and send mail without a stamp—but they cannot vote on laws.

The reason the United States is keen on keeping Guam a NSGT is due to the US' military. Guam is often referred to as 'America's Unsinkable Aircraft Carrier' because it's relatively close to North Korea and the South China Sea, as it's only 2,114 miles from Pyongyang (North Korea's capital) compared to 4,766 miles to Hawaii. That is a significant difference, taking into account the current political stances of the US and North Korea. The United States Military is, therefore, the greatest employer on Guam other than the Guamanian government and encompasses 27% of the island's landmass.

The situation in Western Sahara

Western Sahara, a former Spanish colony, is under a cloud of dispute as it's claimed by both the Kingdom of Morocco and the Polisario front - a Sahrawi rebel national liberation movement aiming to end Moroccan presence in the Western Sahara - and is therefore considered by the United Nations, a NSGT. Currently, the territory is divided into different sections; the 'Southern Provinces' are administered by Morocco, the 'Liberated Territories', however, are administered by the Polisario front as the Sahrawi Arab Democratic Republic (SADR). The African Union (AU) has recognized the SADR as the legitimate governing authority over the region resulting in Morocco leaving the AU in 1984 and beyond that, Morocco has also issued scathing press releases whenever the AU tries to improve ties between them and the Polisario front. The dispute as a whole was escalated by the 'Green March' where around 350,00 Moroccans marched into the area in order to solidify their control over the area, this resulted in an active revolt by the Polisario front which only ended due to the ceasefire, arranged by the United Nations, in 1991. The dispute resulted in devastating consequences, as a well-known reporter, Javier Blas, stated that 'about half the population of Western Sahara lives in camps, some still housed in tents 40 years after the conflict'.

Although the AU recognizes the SADR as the legitimate government, the United Nations recognizes neither the SADR nor Moroccan sovereignty over the region. After the 1991 ceasefire, the United Nations tried to arrange for a referendum to take place. This, however, was not a success as

Morocco and the Polisario front did not agree over voter registration; Morocco wanted those who marched in the 'Green March' to be able to vote, but Polisario did not agree to that.

The situation in Gibraltar

After World War II the UN called for decolonization throughout the world, including Gibraltar. But while other British colonies moved through self-governance and then onto independence, that option was unavailable to Gibraltar. The Treaty of Utrecht contains a reversion clause where if Britain is to give up her claim on Gibraltar, it will be returned to Spain and the UN push for decolonization ignited Spanish efforts to recover the territory. The result was a referendum in 1967 where Gibraltarians were asked to choose between Spain and Britain. The results were resounding, with over 12,000 opting to maintain the current relationship with Britain, to only 44 supporting a union with Spain. The Francoist regime (the Spanish government at the time) responded to the defeat by ramping up pressure on the dependency and closed the border. While Gibraltar moved to establish a constitution that agreed the British would not impose a solution on Gibraltarians and acknowledged their right to self-determination. After General Franco's death, Spain sought to join the European Economic Community, and needed British support. The Lisbon Agreement was the first of a series between the British and Spanish Governments intended to resolve their differences over Gibraltar. These talks eventually led to the reopening of the border; but didn't, however, settle the issue. Eventually, in 2002, Britain and Spain proposed to share sovereignty, but the government of Gibraltar, exercising their now constitutional right, put it to a referendum and the agreement was rejected 17,900 to 187. It seems, given their options, the Gibraltarians wish to remain a British dependency.

Major Countries and Organizations Involved

New Zealand

New Zealand is the administering power of one NSGT; Tokelau. Although Tokelau is considered a NSGT, some attributes of Tokelau's situation may not apply to other NSGTs. As, although it was a colony for 150 years, there had been no physical presence of a colonizer there, therefore New Zealand, the administering power, is seen either as a protective influence, or a source of material improvement. These forms of support can be seen, for instance, when Tokelau and New Zealand set up an International Trust Fund to provide Tokelau with an additional source of revenue for recurring budgetary and development expenditure in 2000. The fund enhanced the quality of life of the people by providing Tokelau with an additional, independent source of revenue.

In terms of self-determination, Tokelau and New Zealand took steps to formulate a treaty that would turn Tokelau from a NSGT to a self-governing state in free association with New Zealand, in

November of 2004. Besides the treaty, a United Nations sponsored referendum on self-determination took place. The measure was short of the two-thirds majority required for it to pass. A repeat referendum took place in October of 2007, again narrowly failing to approve self-government. This time the vote was short by just 16 votes; only 3%.

France

France is the administering power of two NSGTs; New Caledonia and French Polynesia. In terms of French Polynesia, controversy and criticism has been directed at France due to the nuclear tests that were conducted by the nuclear testing facilities in the Tuamotus. Although such facilities greatly increased the region's revenue and employment, Tahiti, the most populated island in French Polynesia, was exposed to 500 times the maximum accepted levels of radiation. The French government pledged to provide aid for a number of years to compensate for this. Overall, both French Polynesia and New Caledonia benefitted economically due to France, but in terms of self-determination, France is not keen to be moving towards such a step. As, the UN resolution (A/RES/67/265) affirmed that the people of French Polynesia had the right of self-determination, however France disapproved of the resolution.

United Kingdom

The United Kingdom is the administering power with ten NSGTs, including: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat, St Helena, Turks-and- Caicos, Gibraltar, Pitcairn and the Falkland Islands. They are the parts of the British Empire that have not been granted independence. Most of the inhabited territories are internally self-governing, with the UK retaining responsibility for defense and foreign relations. Moreover, the UK does provide economic aid, as it has aided in economic development in the Caribbean; increasing trade and improving living conditions.

United States

The US is an administering power to three NSGTs; American Samoa, Guam and the United States Virgin Islands. As mentioned earlier, the United States is keen on keeping some of its colonies for military purposes; Guam is the given example. The U.S. does, however, provide certain rights to its colonies; American Samoa, for instance, has about 32,000 non-citizen U.S. nationals. As under U.S. law, among the territories, 'only persons born in American Samoa and Swains Island are non-citizen U.S. nationals.' American Samoans are under the protection of the U.S., with the ability to travel to the U.S. without a visa.

United Nations (Special Committee on Decolonization)

Created in 1961, the Special Committee on Decolonization monitors the implementation of the 'Declaration on the Granting of Independence to Colonial Countries and Peoples'. It was merged in 1963

with the former Committee on Information from Non-Self-Governing Territories. As mentioned in the introduction, the 'Declaration on the Granting of Independence to Colonial Countries and Peoples' or the 'Declaration on Decolonization' proclaimed that colonialism must be brought to an end and emphasized the right of self-determination. Moreover, the General Assembly proclaimed the years 1990–2000 as the 'International Decade for the Eradication of Colonialism' and adopted a concrete Plan of Action to develop this principle.

Timeline of Events

Date	Description of event
1945	Establishment of the International Trusteeship System together with The Trusteeship Council
1961	The Special Committee on Decolonization was created
1963	The Special Committee on Decolonization merged with the former Committee on Information from Non-Self-Governing Territories
December 14 th , 1960	The General Assembly adopted the Resolution 1514, also known as the 'Declaration on the Granting of Independence to Colonial Countries and Peoples' or 'Declaration on Decolonization'
1966	The International Covenant on Economic, Social and Cultural Rights The International Covenant on Civil and Political Rights
1990 - 2000	The General Assembly proclaimed 1990–2000 as the International Decade for the Eradication of Colonialism
1994	International Trusteeship Council was dismantled by the Security Council
2001	Second International Decade for the Eradication of Colonialism was proclaimed
2006 - 2007	Referendums were held in Tokelau
September 13 th , 2007	Declaration on the Rights of Indigenous Peoples
2011	Third International Decade for the Eradication of Colonialism was declared

Relevant UN Treaties and Events

- Declaration on the Granting of Independence to Colonial Countries and Peoples, 14 December 1960 (Resolution 1514 XV)
- Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination, 10 February 1997 (A/RES/51/140)

- Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 22 March 2001, (A/56/61)
- Economic and other activities which affect the interests of the people of the Non-Self-Governing Territories, 14 December 2006 (A/RES/61/123)

Previous Attempts to solve the Issue

One of the most common ways put forth to solve this issue is the use of referendums. For instance, the UK has held a referendum in 2002 to determine the status of Gibraltar and one in 2013 to determine that of Falkland Islands, both of which voted with a majority to remain British subjects. Moreover, France is also set to hold a referendum in 2018 to determine the status of New Caledonia. However, referendums, as seen in the past have, unfortunately, rarely succeeded; the 2002 referendum, for instance, was not accepted by Spain, while the results of the 2013 referendum were dismissed as 'unimportant' by the Argentinian government seeing as they consider the current population of the Falkland Islands 'an implanted population'.

Moreover, another way of protecting the interest of people in NSGTs was the provision of aid by several organizations. Promoting cultural policies and educating on topics such as sustainable development in NSGTs, for instance, has been carried out by the United Nations Educational, Scientific and Cultural Organization (UNESCO). In addition, the United Nations High Commissioner for Refugees (UNHCR) and the World Food Program (WFP) is involved in helping Sahrawi refugees in Algeria, while the United Nations Development Program (UNDP) was focused on helping Tokelau develop its government and institutions.

Possible Solutions

One of the most important steps that should be taken is to allow NSGTs to have a presence in the United Nations by allocating certain representatives who will bridge the gap between the people living in NSGTs and the international community. From there onwards, a dialogue should be initiated between the NSGT representatives, their administering power and any other country involved. These discussions should not only tackle the process of decolonization but should also look into the rights and wishes of the people living in NSGT; whether it would be more beneficial for them to be granted independence or for them to willingly, through voting, choose to remain dependent on the country of administering power.

Furthermore, another vital step is to raise awareness regarding the rights of people living in NSGTs, within the region and to the people living in administering powers. The perseverance of cultures and languages should continue to be aided by organizations such as the UNESCO.

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Appendix or Appendices

- i. <http://www.un.org/en/decolonization/nonselvgovterritories.shtml>
This is the current list of Non-Self-Governing Territories
- ii. http://www.un.org/en/decolonization/pdf/decolonization_rev_may09.pdf
A pdf that explains what the UN can do to assist Non-Self-Governing Territories