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PRESENTATION

BY

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DECOLONIZATION IN THE PACIFIC: CONTEXT, ISSUES, AND POSSIBLE OPTIONS FOR THE THIRD UNITED NATIONS DECADE FOR THE ERADICATION OF COLONIALISM

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Almost one-third (five) of the 16 remaining entities on the United Nations' (UN) list of non-self-governing territories are in the Pacific. The region comes second in number and diversity of ongoing colonial relationships only to the Atlantic and Caribbean, where almost two-thirds (or nine) such territories are located (there are a further two – one each in Europe and Africa).

Each of the Pacific territories consists of a small group of islands, surrounded by a large Exclusive Economic Zone endowed with rich

'develop innovative approaches and generate new dynamics' in fulfilling its mandate to promote decolonization of the remaining colonial territories.

2012 is also the fiftieth anniversary year of the first Pacific island state's attainment of independence under a constitution which Samoan leaders (then still officially known as 'Western Samoans') insisted must be autochthonous, or 'home-grown'. Their insistence on making their own national constitution, based on local practices and values, and (unlike most other post-colonial constitutions) owing its authority to no foreign law, set a precedent which inspired leaders in other countries in the region in regard to the process of making, designing the content, and the formal, legal adoption of their respective national constitutions. However, even where widespread public consultations were both held and heeded, many post-colonial constitutions, almost in

political institutions, according to the particular circumstances of each
territory and its peoples and their varying stages of advancement.

The same Article contains a limited commitment to transparency and international
accountability through a provision, e., that member-states with non-self-governing
territories will make regular transmissions to the Secretary-General 'for information
purposes [containing] … statistical and other information of a technical nature relating to
economic, social and educational conditions in the territories for which they are
respectively responsible.'

Leaving aside the possibly ethnocentric implications of the reference to people's 'varying
stages of advancement', the Charter clearly regards development and self-determination
as rights (albeit without clearly identifying the 'people[s]' with such rights). Both of
these rights have been elaborated by the UNGA – the right to self-determination through
the Declarations discussed in further detail below; and the right to development in the
Declaration on the Right to Development embodied in UNGA Resolution 41/128 of
1986). The Charter does not explicitly require colonial powers to provide information
about political conditions in the territories they administer.

Despite the important role the UN continues to play in decolonization, the UN Charter
does not refer specifically to decolonization, which is not so much a right vested in a
particular person, group or organization as a process and then an outcome in which at
least two interested parties are usually involved, the colonial power and its prospective
successor(s).

In regard to the former mandated territories of the League of Nations, the Charter
contains a much clearer commitment to the political objectives of the trusteeships which
originally applied to 11 trust territories, four of which were in the Pacific, including a
strategic trust, before the last of the trusteeship agreements was brought to fruition in
1994. Thus, Article 76. b says that the administering powers will –
> … promote the political, economic, social, and educational inhabitants of the
> trust territories, and their progressive development towards self-government or
> independence as may be appropriate to the particular circumstances of each
> territory and its peoples and the freely expressed wishes of the peoples concerned
> ….

In practice, questions concerning the political future of the trust territories were generally
subject to negotiation between the trustee powers and political leaders who became their
successors, and not put to a direct popular vote.

It was only after processes of decolonization were already well under way and the
admission of increasing numbers of former colonies, now newly-independent states, to
membership of the UN that the General Assembly passed Resolution 1514 (XV) of 1960
containing the 'Declaration on the granting of independence to colonial countries and
peoples'. Describing 'alien subjugation and exploitation' as 'a denial of human rights',
the Declaration states that -

Ten years after passage of the preceding Declaration, the UNGA discussed and agreed to make the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States (contained in the Annex to UNGA Resolution 2625 (XV)) of 1970. This Declaration refers to the range of internationally acceptable outcomes of decolonization in the following terms:

> The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination of that people.

This provision is sometimes cited, particularly by representatives of powers responsible for remaining non-self-governing territories, as having further broadened the range of internationally acceptable outcomes of decolonization from those specified in the earlier declarations. Like preceding statements of possible outcomes, it does not make clear that they have generally been subject to mutual acceptance (not necessarily willing agreement) on all sides by colonial powers and their successors. Thus some countries in the Pacific have become independent because their respective former colonial powers have insisted that this was the only viable outcome, while other colonial peoples have had to settle for an alternative, at least for a time, for similar reasons. Thus, too, has the right to self-determination been exercised through a frequently more constrained process of decolonization involving the staged establishment and reform of governmental institutions, the transfer of powers, and transition towards independence or whatever other outcome has been made available and agreed. Just such processes and constraints of various kinds are evident in regard to the remaining non-self-governing territories in the Pacific, where supporters of diverse outcome

outcome amounts to decolonization – and so provides a case for removing a particular name from the UN's list of non-self-governing territories.

As with other issues discussed in this paper, the focus at this point is on the political processes and outcomes of decolonization. However, it is not at all clear that political issues are necessarily at the forefront of participants' concerns. Colonial powers, for example, have a long history of insisting that social and economic issues should be addressed before any formal transfer of power – and even that there are social and

co-operation with the UK

governance, financial management and economic planning

external support

co-operation between territories

global profile of the territories. [6]

Of the 517 responses received (including some from the UK, other parts of the world, and undisclosed locations), more than 80% came from the UK's overseas territories, including six (or 1.16% of the total number of responses) from Pitcairn Islands. Unfortunately, the report does not say either that the persons, organizations and governments that responded represented a cross-section of public opinion in the overseas territories individually or as a group, or how far they fell short. As more than 55% of the responses were forwarded by email and another 30+% by submission to a website dedicated to the project, it seems unlikely that they represent an accurate cross-section of community views in any or all of the UK's non-self-governing territories (though accurate statistics on access to the Internet in some of the places polled are not readily available).

While the report identifies the territories of origin for some of the submissions from which it quotes, it does not quote any clearly sourced as coming from Pitcairn Islands (where six – or 1.16% - of the submissions are said to have originated). Nor does it distinguish between submissions from governments, community groups and individuals even among those from which it quotes.

It is nonetheless interesting to note (though the significance of the observation is clearly debatable) that, when it came to politics and government, the issue most frequently mentioned in the 125 responses received on the subject was corruption - with 28 references; the electoral franchise received only 12 mentions, and 'unclear/poor constitutional arrangement' 10; with 'blanket UK policies inappropriate for Territory situations', 'lack of notion of nationhood', and 'UK government interference with government positions', together with other issues, on two mentions each; and 'Dysfunctional UK/Territory relationship' on one. If nothing else, the study suggests that issues directly related to the transfer of power and its outcome are not always high on the public agenda even in non-self-governing territories, or, at least in this case, did not attract many responses.

Leaving the UK survey aside because of its uncertainty – and despite the strong statement in the Declaration on the granting of independence to colonial countries and peoples that inadequacy of preparedness, including economic and social development, 'should never serve as a pretext for delaying independence' – the UN has long recognised the need for the administering powers to provide detailed information concerning socio-economic and

other conditions in the territories they administer. This is made clear in the UN Charter, Article 73.2, cited above, and given practical effect in the Working Papers prepared for the Special Committee on Decolonization by the Secretariat.

In short, decolonization, as understood and promoted by the UN, extends beyond the right to self-determination and the transfer of power to include other aspects of human and social development, including economic and cultural aspects. This is key to the partnership with the governments and people of non-self-governing territories to which colonial governments often say they are committed.

Partnership, properly understood as a joint enterprise between present and former colonial powers and people in non-self-governing territories is, in fact, an important key to development and decolonization. If questions arise concerning the viability of particular prospective states, it is, in fact, just such partnership which is frequently critical to providing an answer, for example by ensuring that educational opportunities are readily available to people in non-self-governing territories, health facilities are adequate to needs (which are changing as lifestyle diseases and new contagions spread), resources are provided to construct or upgrade infrastructure, etc. A partnership even broader in membership and scope is, obviously, needed to protect the remaining non-self-governing territories and other communities in the Pacific from the threat posed by sea-level rise caused by global warming, particularly on the three low-lying atolls which constitute Tokelau.

The eighth of the UN's Millennium Development Goals, 'Develop a Global Partnership for Development', commits all UN members to develop a partnership in activities which constitute development, including achievement of specific targets set for progress towards each of the Goals. In this case, the partnership is between aid donors and recipients, or advanced industrial and less developed countries, groupings which tend to correlate with former and present colonial powers on the one hand, and former and present colonies on the other.

Despite its intended connotations, partnership does not always involve equality between participants. However, the spirit in which the term is used nowadays does not allow of

on to argue that decolonization has another dimension – namely, the freeing or decolonization of the mind.

Some Possible Options for the UN's Third Decade for the Eradication of Colonialism

The discussion so far has highlighted the need to clarify, refine, and possibly (re-)define the options available as outcomes of decolonization. It is accordingly important that the Special Committee consider the issue, and decide whether to recommend that the UNGA should formulate a fresh and integrated resolution on the matter.

In the case of non-self-governing territories where the people do not want or cannot agree on change, it seems problematic to insist that decolonization must take one of the outcomes as currently defined.

What, in particular, are the real options for a community as small and short of critical services as Pitcairn Islands, particularly in view of the UK's unwillingness to agree to free association?

Is the expressed wish of the majority of American Samoans to retain the existing relationship with the USA – formally, if rather extravagantly, described as that of an 'unorganized and unincorporated territory' - based on other than their own appraisal of the relative advantages and disadvantages of change, not to mention their estimate of the prospect (which they, together with many Guamanians may view as quite unlikely) that the US Congress would agree to their admission to the US federation as a new state with the additional rights to congressional representation and government resources that this would, almost certainly, have to entail?

Diversifying the options available to entities as small on almost every measure other than maritime domain as American Samoa and Pitcairn Islands need not detract from the UN's firm and longstanding commitment to self-determination, provided the eventual choice enjoys the genuine support of their people.

If the freely made choice of the people in a non-self-governing territory is for no change, or if the colonial power will not agree to free association or integration, should this be regarded as an irresolvable impasse or some kind of failure (of decolonization, if not of self-determination)?   Might there not be a case for a legally binding international convention specifying the commitments that need to be made in such cases in regard to areas such as the powers and structure of government in and affecting the territory, human rights, security, the provision of adequate medical services, schools, and financial support?   Such a convention might also provide for appropriate supervisory / accountability mechanisms, for example oversight by an appropriate, high-level UN rapporteur.   Such an arrangement might, moreover, provide a reason to remove the territory to which it applies from the UN's list of non-self-governing territories (at least, as that list is currently understood). International supervision could, should and, almost certainly, would then continue through another appropriate UN body, such as the UNGS's Thirs Committee and/or the UN Human Rights Council.

The small size, remoteness and relative isolation from even the most basic services of a community such as that in Pitcairn Islands might, however, be argued as constituting a case for transferring governmental responsibility to another state than the distant UK, or (as previously suggested in my paper presented at the 2010 Pacific Regional Seminar in Noumea) a form of oversight by a regional body, perhaps acting on the

However, as the previously cited report by a parliamentary committee on New Zealand's relations with communities in the New Zealand Realm makes clear, challenges which can arise as a result of agreeing to a particular set of arrangements at one point in time may require review when circumstances undergo significant change. Should such eventualities be left to the parties to negotiate for themselves? Or is there a case for arguing that changes of status in arrangements previously accepted by the UN as appropriate forms of decolonization should be subject to subsequent review, particularly to ensure the rights of the people of the previous non-self-governing territory are not overlooked? On the one hand, such a proviso might be regarded as interference with the rights of the parties to the previous agreement. On the other hand, it might help prevent a situation in which agreement is freely reached at one point in time and then subjected to (attempted) reopening at another at the initiative of only one (or some) of the parties.

In short, might it be useful for the UN to agea m t   i s   8 v i o u s

Caledonia and to decolonization.[11]   A related challenge is to ensure that key players co-operate in the lead-up to the referendum, and that peace and good order prevail when the referendum is held, the result is announced, and implementation follows. Is the oversight required likely to be more (or less) effectively and economically performed if responsibility remains with the Special Committee on Decolonization or if a UN rapporteur on (implementation) of decolonization in the region takes over?

The preceding issues and options are not raised as part of any questioning of the Special Committee's integrity, ability or commitment, or as expressions of preference for UN officials over a committee composed of senior representatives of UN member-states. Rather, they are prompted out of concern for ongoing costs and the need to ensure continuing oversight, supported by the kind of reporting that ensures transparency and accountability to the international community through the UN, and, when appropriate, encouragement and support to keep moving ahead.

Nation- and state-building in the Pacific face many different challenges – from accustoming the inhabitants of the remaining non-self-governing territories to the very ideas of nation and state in societies where such concepts have been introduced from outside and in forms appropriate to colonial rule; to promoting good governance in contexts where diversity and loyalty to kin may stand in the way of developing a strong sense of shared citizenship.[12]   In short, many of the issues which have delayed or otherwise stood in the way of progress towards self-determination and decolonization may continue to require ongoing attention and support by or on behalf of concerned members of the international community (the alternative being the imposition of sanctions when a country falls short – with all of the negative implications that such a strategy often entails).

It is in this context that the proposals outlined above have been prepared – for purposes of discussion which promotes mutual understanding, if not for immediate agreement.   The focus of this paper has been on the Pacific. Many of the issues and options discussed may apply or, at least, be readily adjusted to the circumstances of the remaining non-self-governing small island territories in the Caribbean.   However, the particular circumstances of territories where the issue is not just decolonization but contested sovereignty between UN member-states, as in the case of Falkland Islands, Gibraltar, and Western Sahara, may require a rather different approach – one in which mechanisms for preventing and resolving conflicts are available and invoked (perhaps, again, through a special rapporteur or other appropriate arrangements within the UN system).

Conclusion

In a message to the Special Committee on Decolonization's Pacific Regional Seminar held in Bandung, Indonesia, in May 2008, UN Secretary-General Ban Ki-moon said eloquently and firmly that 'Colonialism has no place in today's world.' In this regard, it may seem at least symbolically appropriate to observe that the way in which 'decolonisation' has often been spelt in the past, even in English – with an 's', not a 'z' to emphasise its foreign (French) connotations – has now changed to the more

conventionally anglicized 'decolonization'. This might be seen as a sign of the growing acceptance not only of a word but of the process for which it stands. It is, surely also a sign of the near-universal acceptance of national self-determination as a right, and decolonization as the process and purpose through which it can be realized. In this respect, the Special Committee on Decolonization can be seen as an important player in an historical sequence through which membership of the UN has increased by more than 80 former colonies, both large and small (with a combined population of 750 million), as a result of decolonization, and the remaining colonial powers are held to public account.

The analysis and options outlined in this paper are intended to provide modest contributions to the development of the 'innovative approaches and … new dynamics' for which UN Secretary-General Ban Ki-moon has recently called. May the ideas outlined in this paper and the discussion they are intended to prompt help further the objectives of the UN Decade and, even more importantly, the eradication both of colonialism and of the negative aspects of its legacy, such as the denial of such basic human rights and obligations as human equality, sensitivity to difference, as well as economic exploitation and underdevelopment. In doing so, may the recommendations arising from the discussion help realise the objectives outlined in the Preamble to the UN Charter by contributing to the maintenance of peace during and after decolonization, reaffirming 'faith in fundamental human rights, … the dignity and worth of the human person, … the equal rights of men and women and of nations large and small', and assisting in the identification and implementation of options which will help 'to promote social progress and better standards of life in larger freedom.'

Endnotes

[1] South Pacific Community, Statistics for Development, *Pacific Island Populations – Estimates …*

[7] See, for example, Coleman, James S., 'Nationalism in Tropical Africa', *American Political Science Review*, 48 (2), June 1954, pp. 404-426.

[8] Beier, Ulli, *Decolonising the Mind: The Impact of the University on Culture and Identity in Papua New Guinea*, Canberra, 2005.

A particularly influential book on the theme of decolonization as struggle is Fanon, Frantz, *The Wretched of the Earth*, (translated by Constance Farrington) Harmondsworth, 1967

[9] Neemia-Mackenzie, Ueantabo Fakaofo, 'Smallness. Islandness and Foreign Policy Behaviour: Aspects of Island Microstates' Foreign Policy Behaviour with Special Reference to Cook Islands and Kiribati', PhD thesis in Politics, University of Wollongong, 1995

[10] Wolfers, Edward P., 'Viability and Challenges of Small States (with special regard to the implications for the remaining non-self-governing territories in the Pacific', *South Pacific Journal of Philosophy and Culture*, 8, 2004-2005, pp. 38-58

[11] Christnacht, d7.9e 11