



# General Assembly

Distr.: General  
16 July 2018

Original: English

---

## Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

### Summary record of the 7th meeting

Held at Headquarters, New York, on Tuesday, 19 June 2018, at 10 a.m.

*Chair:* Mr. Webson. . . . . (Antigua and Barbuda)

### Contents

#### Question of Guam

*Hearing of representatives of the Non-Self-Governing Territory*

*Requests for hearing*

*Hearing of petitioners*

#### Question of the Turks and Caicos Islands

*Requests for hearing*

*Hearing of petitioners*

#### Question of the United States Virgin Islands

*Requests for hearing*

*Hearing of petitioners*

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

*Hearing of petitioners*

Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories

Other matters

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent as soon as possible to the Chief of the Documents Management Section ([dms@un.org](mailto:dms@un.org)).

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).



*The meeting was called to order at 10.25 a.m.*

#### **Question of Guam (A/AC.109/2018/9)**

1. **The Chair** drew attention to the working paper prepared by the Secretariat on Guam (A/AC.109/2018/9).

2. **Mr. Rivero Rosario** (Cuba) asked the Chair for clarification on how the Committee should handle the communication referring to the draft resolution on Guam (A/AC.109.2018/L.16) received from the Executive Director of the Guam Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination.

3. **The Chair** said that Non-Self-Governing Territories were not permitted under the rules of procedure to raise such issues. More importantly, as the letter had arrived after the conclusion of discussion on the draft resolution, the Committee could not act on the request. However, the matter could be discussed at a later date if requested by a Member State.

#### *Hearing of representatives of the Non-Self-Governing Territory*

4. **The Chair** said that, in accordance with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and would withdraw after making their statements.

5. **Ms. Blas** (Guam Commission on Decolonization), speaking via video link on behalf of the Governor of Guam, said that General Assembly resolution 72/102 still applied and the situation of the Territory of Guam remained unchanged as the island continued to face challenges arising from its status as a United States territory. However, the new draft resolution (A/AC.109/2018/L.16) painted a very different picture. Substantial changes had been made which could hinder the quest of Guam for self-determination and its decolonization process, including the proposed deletion of critical language concerning decolonization, non-financial challenges and native inhabitants. Significant changes had also been made concerning the United States federal court ruling affecting the island's plebiscite, which was an example of how the United States had oppressed Guam. There was no reason for those changes to the resolution as they did not accurately reflect the current situation of Guam as a Non-Self-Governing Territory.

6. In General Assembly resolution 72/102, the United States had been urged to assume its responsibility in allowing the people of Guam to fully exercise their

inalienable right to self-determination and to help Guam to develop ideas on how to overcome the current challenges hindering its ability to reach self-governance. That year's draft resolution had deleted that provision even though Guam had still not reached self-governance. Furthermore, language concerning the involuntary placement of the Territory in the midst of regional tensions had been deleted, clearly ignoring the October 2017 testimony of the Guam delegation to the Fourth Committee. As the end of the Third International Decade for the Eradication of Colonialism approached, the United States must assume its responsibility in helping Guam to achieve decolonization, and the Committee was requested to adopt the language of General Assembly resolution 72/102 with only technical updates. Any substantive changes to the resolution could negatively impact the decolonization process.

#### *Requests for hearing (Aide-memoire 04/18)*

7. **The Chair** drew attention to aide-memoire 04/18 relating to the question of Guam, which contained requests for hearing. He took it that the Committee wished to accede to those requests.

8. *It was so decided.*

#### *Hearing of petitioners*

9. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

10. **Ms. Limtiaco** (Guahan Coalition for Peace and Justice) said that the Fourth Committee should act authoritatively in supporting all Non-Self-Governing Territories to exercise the right to self-determination, and the United States should cooperate with Guam to allow the Chamorro people to exercise that inalienable right. Despite substantial support from the international community, the United States, unsurprisingly, had voted against General Assembly resolution 72/102, claiming, inter alia, that the language was problematic and that a United Nations studying mission was a waste of resources.

11. An ongoing United States federal case ruling on the island's plebiscite was a major impediment to gaining full support for the resolution. In that case, a Guam resident claimed to have been denied participation in the decolonization plebiscite due to his race; on the contrary, he had been denied because he did not meet the legal criteria as a native inhabitant of Guam, which was determined by length of residency, not by race as claimed by the administering Power. Under the United Nations Declaration on the Rights of

Indigenous People, the indigenous people of Guam had the right to determine their own identity and membership, as well as the structures and membership selection of their institutions in accordance with their own procedures. The administering Power had used the island's diversity against it by ruling that a non-binding decolonization plebiscite was in violation of United States civil rights. Ironically, that decision violated the right to self-determination under international law. A decolonization process under the laws of the colonizer only perpetuated the colonization of the people of Guam. The next hearing in that case was scheduled for October 2018.

12. The Guahan Coalition recommended that the United Nations should use its influence to compel the United States to engage in the Guam decolonization process in a spirit of cooperation, implementing the principles of decolonization in accordance with international law and norms. Secondly, the General Assembly should adopt only technical updates to its resolution 72/102, as the proposed changes to the resolution would adversely affect the decolonization process.

13. **Ms. Muñoz** (Independent Guahan) said that because of the Tax Cuts and Jobs Act of 2017, the Government of Guam was projected to lose \$67 million in revenue in 2018. Cost-cutting measures had been implemented by local officials to mitigate the impact of that significant loss, including budget cuts for the Guam Commission on Decolonization, the task forces of which had seen a 60 per cent reduction in their outreach budget in addition to carryover losses. The Commission's ability to educate the people of Guam on the importance of self-determination and the capacity of Guam to realize self-determination in a plebiscite were thus severely affected. Worryingly, a further 18 per cent decrease in funding for United States territories, and the elimination of \$3 million in discretionary compact impact money were also being proposed for the fiscal 2019 budget.

14. It was recommended that the Committee should adopt the language of General Assembly resolution 72/102 on the question of Guam with only technical updates as that resolution accurately reflected the unchanged situation on the ground. There was no justification for deleting crucial language relating to decolonization, non-financial challenges, native inhabitants and the concerns about the federal court ruling on the plebiscite. Similarly, the provision urging the administering Power to assume its responsibility in allowing the people of Guam to fully exercise their inalienable right to self-determination and the paragraph on the Territory's involuntary placement in the midst of

regional tensions should also be retained. The proposed changes would result in an altered perception of the reality on the ground in the Territory and would have an adverse impact on the decolonization process. A decision on the proposed draft resolution on Guam should be delayed for further consideration in order to make the necessary corrections to the text.

#### **Question of the Turks and Caicos Islands** (A/AC.109/2018/15)

15. **The Chair** drew attention to the working paper prepared by the Secretariat on the Turks and Caicos Islands (A/AC.109/2018/15).

#### *Requests for hearing (Aide-memoire 07/18/Add.1)*

16. **The Chair** drew attention to aide-memoire 07/18/Add.1, containing a compilation of the requests for hearing on the question of the Turks and Caicos Islands. He took it that the Committee wished to grant the additional request contained in that document.

17. *It was so decided.*

#### *Hearing of petitioners*

18. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

19. **Mr. Roberts** (Turks and Caicos Forum) said the British Government had unilaterally adopted a decree requiring the development of public registers of interests for individuals and entities doing business in British overseas territories. As a result, those entities would no longer be afforded privacy concerning their assets and a crucial pillar of income generation for the Turks and Caicos Islands and other British overseas territories had been criminalized. The decree was atrocious, hypocritical and discriminatory as it violated Article 73 of the Charter of the United Nations and did not apply to the British territories of Jersey and the Isle of Man, which housed substantial offshore banking entities. The callous decree had been adopted at a time when many of the overseas territories were digging themselves out of the shocking destruction caused by the 2017 hurricane season. Instead of providing the British overseas territories with aid, the British Government was picking their bones dry.

20. Other matters of grave concern included the failure of the British Government to act as the Turks and Caicos Islands were overrun by illegal migration and the British-appointed Governor attempting to take over locally-run statutory boards. The United Nations needed

to take a serious look at British conduct towards the struggling peoples of the Turks and Caicos Islands and was urged to take action to ensure that the decree was nullified.

21. **Mr. Gibbs** (Turks and Caicos Islands Heritage Communities) said that the human rights of the native-born citizens of the Turks and Caicos Islands continued to be violated at the hands of the United Kingdom, which had not been held accountable for its failure to comply with Article 73 of the Charter of the United Nations.

22. Although the Governor of the Territory was appointed by the Foreign and Commonwealth Office in London with no input from the locally elected government or the people of the Turks and Caicos Islands, the full cost of all compensation, housing and benefits for the Governor was borne by the Public Treasury of those Islands. The Governor was exempt from complying with codes of conduct that applied to its elected officials and civil servants under the Constitution of the Turks and Caicos Islands; as a result, the Governor effectively operated above the law. Policing and defence were a constitutionally mandated responsibility of the Governor and his performance in that regard had been woefully inadequate, as attested by the breaching of border control mechanisms by illegal migrants. On the rare occasions when illegal migrants were intercepted, their repatriation costs were borne by the Public Treasury of the Turks and Caicos Islands and they frequently succeeded in establishing residency within the Territory.

23. Under General Assembly resolution [40/56](#), administering Powers had been urged to ensure that the activities of foreign economic and other interests in colonial Territories did not run counter to the interests of the inhabitants of those Territories or impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The United Kingdom continued to fail miserably under that obligation, providing no guidance to prevent citizens of the Territory from being shut out of recruitment for middle and upper management positions of foreign firms. The resolution also requested that administering Powers adopt the necessary measures to discourage or prevent any systematic influx of immigrants and settlers into the Territories under their administration which might disrupt the demographic composition of those Territories and prevent the genuine exercise of the right to self-determination and independence by their peoples, and to avoid any forced displacement, complete or partial, of the population of colonial Territories. However, hundreds of illegal migrants arrived in the Turks and Caicos Islands each week and very little was

done by the Governor's office and the administering Power to prevent that disruptive influx.

24. Under that same resolution, administering Powers were obliged to create conditions in the Territories under their administration that would enable them to achieve genuine independence and economic self-reliance. However, actions with the opposite result were about to be enacted by the British Parliament through an Order-in-Council that would cripple the financial services industry that the Territories relied on as a major source of public revenue. No alternative for revenue generation, financial aid or avenues for cost reduction had been offered. The United Kingdom was hindering the growth and development of the Territories and was accelerating a backward movement towards dependency and deeper into colonialism.

25. The Turks and Caicos Islands continued to bear the costs of the Special Investigation and Prosecution Team as it had for the previous nine years, which drained vital resources from essential public service projects, including the repair of schools still struggling to recover from the impacts of Hurricanes Irma and Maria. The failures of the Governor's office and the Foreign and Commonwealth Office had contributed to the events under investigation and those costs should therefore be borne by the United Kingdom, not by the Turks and Caicos Islands.

26. The situation of the Turks and Caicos Islands warranted an impartial and neutral assessment, as the administering Power continued to rule by edict, decreeing laws on the Territory, while the latter had no representation within British Parliament. The Committee was requested to convene a visiting mission to the Turks and Caicos Islands to assess the human rights conditions and to assist in holding the administering Power accountable under the Charter of the United Nations.

#### **Question of the United States Virgin Islands** ([A/AC.109/2018/16](#))

##### *Requests for hearing (Aide-memoire 08/18)*

27. **The Chair** drew attention to the working paper prepared by the Secretariat on the United States Virgin Islands ([A/AC.109/2018/16](#)) and to aide-memoire 08/18 containing a compilation of requests for hearing. He took it that the Committee wished to accede to the requests for hearing.

28. *It was so decided.*

*Hearing of petitioners*

29. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

30. **Mr. Christopher** (ancestral and indigenous Virgin Islander) said that the Virgin Islands were suffering under the control of a State that blatantly disregarded General Assembly resolution 1514 (XV) and related resolutions and violated international treaties, in particular the 1916 Treaty between Denmark and the United States, which contained provisions securing the interest of the indigenous and ancestral Virgin Islanders in maintaining possession of their land free from taxation or unfavourable tax regimes. That had led to a culture of corruption in which the judicial and electoral systems were compromised and the Constitution of the United States was ignored. The people he represented had no recourse and no voice and were being deprived of their natural resources and land by members of the United States Congress and current and former Presidents.

31. The United Nations was requested to go beyond hearing petitioners and engage in real action to assist the Non-Self-Governing Territories. It was hoped that future petitions regarding those questionable practices would be addressed and that the culture of the United Nations was not one that would permit those issues to be ignored without viable action being taken. The actions of the controlling State were consistent with a desire to remove the right of a people to self-determination. That State had systematically dismantled the education system, altogether done away with agriculture and implemented laws to restrict the enjoyment by ancestral Virgin Islanders of their natural resources, a clear violation of human rights. He had brought the petition before the Committee because all legal avenues provided by the United States under its Constitution had been exhausted and then ignored. He therefore requested that follow-up measures be taken to ensure the enforcement of General Assembly resolution 1514 (XV) and related resolutions so that petitions would no longer be required year after year on the same issue.

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations**  
(A/72/69; A/AC.109/2018/L.9; E/2018/56)

32. **The Chair** drew attention to documents A/72/69 and E/2018/56 containing the report of the Secretary-

General and the report of the Economic and Social Council, respectively.

*Hearing of petitioners*

33. **The Chair**, recalling the requests for hearing already granted under the previous agenda item, said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

34. **Mr. Corbin** (Dependency Studies Project) said that the participation of the Non-Self-Governing Territories in the work of the United Nations was critical to developing the readiness of those Territories in assuming the powers of full self-government. Key findings of the study entitled "Assessing opportunities for enhanced integration of the associate members of the Economic Commission for Latin America and the Caribbean", published by that Economic Commission, could be useful to Non-Self-Governing Territories in both the Caribbean and Pacific regions.

35. The study explored common development challenges including vulnerability to climate change and natural hazards, access to reliable energy and limited institutional capacity as well as high public-sector debt and vulnerability to external financial influence, including in some cases from administering Powers. It mapped strategic options to enhance the integration of Non-Self-Governing Territories with regional and international organizations and development mechanisms in the Caribbean and to enhance South-South cooperation.

36. The study revealed that key areas where assistance was provided by United Nations specialized agencies were disaster risk reduction, poverty assessment and reduction, climate change adaptation and capacity-building. Non-Self-Governing Territories were found to be significantly integrated with regional and intergovernmental organizations, although concern was expressed that the European Union Overseas Countries and Territories regime for United Kingdom-administered Territories could be phased out in the wake of Brexit.

37. Non-Self-Governing Territories were found to have access to several areas of development support through the United Nations system and relevant regional organizations. The study proposed a programme of work to address the principal development challenges of those Territories. In that regard, the Committee should consider General Assembly resolutions calling for the development of collaboration programmes with the wider United Nations system of organizations, including

the Economic Commission for Latin America and the Caribbean and the Economic and Social Commission for Asia and the Pacific.

38. **Mr. Aleksaev** (Russian Federation) said that the Russian Federation had always taken a careful approach to the implementation of the Declaration by United Nations agencies, simply because it believed that the current mandate in the United Nations system must remain unchanged. Therefore, all institutions, including the Committee and specialized agencies, already had a specific mandate on helping in such respects. The draft resolution before the Committee should not disrupt the current powers and mandate.

*Draft resolution [A/AC.109/2018/L.9](#): Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations*

39. *Draft resolution [A/AC.109/2018/L.9](#) was adopted.*

**Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories ([A/AC.109/2018/L.6](#))**

*Draft resolution [A/AC.109/2018/L.6](#): Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories*

40. *Draft resolution [A/AC.109/2018/L.6](#) was adopted.*

*Other matters*

41. **Mr. Noglai** (Papua New Guinea) urged Committee members to consider sponsoring the draft resolution on the question of New Caledonia ([A/AC.109/2018/L.22](#)) and the draft resolution on the question of Tokelau ([A/AC.109/2018/L.23](#)).

*The meeting rose at 11.40 a.m.*