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Montserrat

Working paper prepared by the Secretariat

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I. General

1. Montserrat is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory is situated in the Leeward Islands in the eastern Caribbean, 43 kilometres south-west of Antigua and 64 kilometres north-west of Guadeloupe.

2. Montserrat is volcanic and very mountainous, covering an area of 103 square kilometres, with a rugged coastline. There are three mountain ranges: Silver Hills in the north, Centre Hills and the Soufrière Hills in the south. There are hot springs, ravines, black sand beaches and a white sand beach in the north. The vegetation is tropical.

3. In July 1995, the Soufrière Hills volcano, dormant for more than 400 years, erupted with devastating effects, causing the evacuation and relocation of about 70 per cent of the population. The effects of that eruption and subsequent lighter volcanic activity are still being strongly felt, as the Territory rebuilds the community in the unaffected northern part of the island. Montserrat's capital, Plymouth, was abandoned in 1997 after volcanic activity rendered it uninhabitable. A new urban centre is being developed at Little Bay in the north.

4. The population of the Territory, which reached a peak of 14,333 in 1946, fell after the devastating volcanic eruption in 1995. An estimated 8,000 refugees left the island following the resumption of volcanic activity in July 1995, some of whom have returned. The overall decline since 1995 in the population figures was attributed to a relocation programme instituted by the territorial and United Kingdom Governments. The highest proportion of emigrants was from those under 30 years of age. According to the administering Power, as at 1 June 2009, the population of the island was 4,886 (3,295 Montserratians and 1,591 non-Montserratians) compared to 4,493 in 2001, 10,639 in 1991 and 11,606 in 1980. During 2009, the territorial Government continued to review population, labour and immigration policies, with a view to encouraging population growth in the Territory.

5. The currency of Montserrat is the Eastern Caribbean dollar, which is aligned with the United States dollar at approximately EC\$ 2.70 to US\$ 1. Major trading partners are the United States of America, the United Kingdom, Japan, and Trinidad and Tobago.

II. Constitutional, political and legal issues

6. The basis of the relationship between the Government of the United Kingdom and its Non-Self-Governing Territories is set out in a White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories", published in March 1999.¹ The British Overseas Territories Act 2002 granted the right of British citizenship to "British Overseas Territory citizens".

Note: The information contained in the present working paper was derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

¹ Submitted to the House of Commons on 17 March 1999 by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs; reproduced in A/AC.109/1999/1 and Corr.1, annex 1.

7. As previously reported, the Territory was named after a Spanish monastery by Christopher Columbus on his second voyage to the island in 1493. In 1632, the island became a British colony. Its first settlers were largely Irish. Sugar production dominated the island's economy during the seventeenth and eighteenth centuries. Slaves who worked the cotton and sugar plantations were unsuccessful in historic uprisings in the late 1700s. Slavery was abolished in 1834. Meanwhile, after two brief occupations by France, British rule resumed in 1783 and Montserrat became a British Crown Colony in 1871. From 1871 to 1958, Montserrat was administered as part of the Federal Colony of the Leeward Islands, and from 1958 to 1962, it formed part of the Federation of the West Indies. Following the dissolution of the Federation in 1962, Montserrat elected to retain its status as a Crown Colony.

8. Under the Montserrat Constitution Order 1989, which came into force in February 1990, Montserrat has a Governor appointed by the British monarch, an Executive Council, and a Legislative Council.

9. The current Governor of Montserrat, Peter Waterworth, took office in July 2007. The Governor has responsibility for internal security (including police), external affairs, defence, public service and offshore finance, including the Royal Montserrat Defence Force, which is headed by a captain. The territorial Government had asked the United Kingdom to support its request for the appointment of Montserrat's first indigenous Deputy Governor, and on 15 October 2009, Sarita Francis, a Montserratian career civil servant, was appointed Deputy Governor.² Under the Constitution, the British monarch reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Montserrat.

10. The Executive Council comprises four Ministers, as well as the Attorney General and a Financial Secretary. It is presided over by the Governor and has responsibility for the general control and direction of government.

11. The Legislative Council consists of nine members. All the members elected to the Council in September 2009 are male, although five female candidates ran in the elections. Elections are normally held in Montserrat every five years on the basis of universal adult suffrage. The last general elections were held on 8 September 2009 following the dissolution of the Executive Council and the Governor's call for new general elections two years ahead of schedule. Background to this development can be found in the previous working paper (A/AC.109/2009/6). The Movement for Change and Prosperity won the majority of seats in the Legislative Council and formed a Government headed by Chief Minister Reuben T. Meade. According to the administering Power, 3,516 voters were registered and 2,349 votes were cast: a 66.8 per cent voter turnout compared to 77 per cent in 2006 and 78 per cent in 2001. The next elections are due in 2014.

12. The law of Montserrat comprises English common law and locally enacted legislation. It is administered by a Magistrates Court and the Eastern Caribbean Supreme Court, based in Saint Lucia. The Eastern Caribbean Supreme Court (Court of Appeal) is an itinerant court established under the West Indies Associated States Supreme Court Order No. 223 of 1967, whose sittings rotate among the Court's nine member States of the Court, including Montserrat.³ Cases handled by the Supreme

² Information provided by the administering Power on 29 December 2009.

³ See <http://eccourts.org/index.html>.

Court have recourse of final appeal to the Judicial Committee of the United Kingdom Privy Council. A new Commercial Court was opened in October 2009 in the British Virgin Islands, which serves the Eastern Caribbean jurisdictions, including Montserrat.

13. As previously reported, a Constitutional Review Commission was set up in 2002 under the chairmanship of Sir Howard Fergus. In February 2003, the Governor was presented with the Commission's report, including recommendations for a number of changes to the Constitution. For instance, the report concluded that the proposed change from the imposition of the candidate by the United Kingdom to a more cooperative approach in choosing a Governor would have positive symbolic significance. That report was debated in the Legislative Council in April 2005.

14. The first round of talks between the territorial Government and the Foreign and Commonwealth Office took place in Montserrat in September 2005. A second round of discussions between Montserrat, involving all Legislative Council members, and a United Kingdom Government team took place in February 2006, followed by additional formal and informal talks in 2006, 2007 and 2008. According to the administering Power, the new Government is considering its approach to Montserrat's constitutional review.

15. Earlier in 2009, information provided by the United Kingdom for inclusion in the report of the Secretary-General entitled "Implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism" (A/64/70) concluded that "work on the redevelopment of Montserrat had by early 2009 taken priority over the constitutional review talks".

16. At the Caribbean regional seminar convened under the auspices of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Frigate Bay, Saint Kitts and Nevis, from 12 to 14 May 2009, the Chief Minister of Montserrat stressed that the territorial Government should explore the possibility of free association with the United Kingdom. The Territory expected the United Kingdom to prepare Montserrat for eventual self-determination, in accordance with the relevant United Nations resolutions. Meanwhile, the territorial Government was working on developing a modernized constitution that was consistent with a "pre-independence" document. The full text of the Chief Minister's statement can be found on the United Nations website on decolonization.

17. On 9 December 2009, the eleventh meeting of the Overseas Territories Consultative Council was held in London. According to the administering Power, the overseas territory leaders requested that a forum be held the day before the meeting to review the aforementioned 1999 White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories", which established the principles that have guided the relationship between the United Kingdom and territories since 1999. The forum was the first stage of a consultation process on the future of that relationship. At the Consultative Council meeting, the United Kingdom and the Non-Self-Governing Territories represented, including Montserrat, agreed, inter alia, to continue their discussions on the relationship between the United Kingdom and the overseas territories.

III. Budget

18. The Montserrat public sector continues to be dependent on budgetary aid from the administering Power and other sources.² In his budget speech on 26 March 2009, the Chief Minister stated that the total budget of Montserrat for the 2009/10 financial year was approximately EC\$ 95 million, allocated mainly to the priorities of ministries and departments. For example, the Ministry of Communication and Works would receive approximately EC\$ 11 million, the Ministry of Agriculture, Lands, Housing and the Environment EC\$ 6 million and the Disaster Management Coordination Agency EC\$ 5 million. An overall reduction in annual funding of about EC\$ 4 million reflected issues resulting from the general global economic and financial crisis. The total amount available for development purposes in the 2009/10 cycle was approximately EC\$ 43 million.

19. As previously reported, for the period 2008-2010, the United Kingdom Department for International Development made an allocation of 58 million pounds sterling available to Montserrat. According to the territorial Government's 2009 budget statement, the development budget would be further funded by such entities as the European Union, the Caribbean Development Bank and the Government of Trinidad and Tobago through the Caribbean Community (CARICOM) Petroleum Stabilization Fund.

20. According to the territorial Government, individual residents are taxed on their worldwide income from all sources. Tax is also levied on the chargeable income paid by any incorporated company, building society or body of persons. Companies pay a 30 per cent tax on profits. At the same time, there is no capital gains tax in Montserrat. In December 2009, the Governments of the United Kingdom and Montserrat signed a tax agreement to facilitate the exchange of tax information and to avoid double taxation on income.

IV. Volcanic activity and the environment

21. Following the eruption of the volcano on Montserrat in 1995 after centuries of dormancy, in October 1996 the Territory was successively divided to create an exclusion zone comprising roughly the southern two thirds of the island. In the latter part of 2007, there remained a large mass of material on the dome, and scientists believed this to be a sign of a pause rather than a complete cessation of volcanic activity. Volcanic activity recommenced in the second half of 2008, resulting in new evacuation from the same area on 2 January 2009. The Montserrat Volcano Observatory website contains information on hazard levels and a map of the various zones. According to the administering Power, the evacuation lasted four days, after which activity decreased. In October 2009, after a period of quiet, the volcano began to emit ash once again, which was deposited over a wide area of the island. Reports in the media indicated that shifting winds had blown ash into the safe zone, requiring some residents to evacuate their homes. In early 2010, the Observatory confirmed large pyroclastic flows emanating from the volcano. At the same time, when the level of volcanic activity is low, such activity produces ash, sand, pumice and aggregates that can be mined and collected for domestic use and export.

22. According to the administering Power, in 2009 the territorial Government continued to develop a national energy policy; a biodiversity research protocol for

the island; a monitoring programme for flora, forest birds, reptiles and amphibians; a climate change adaptation strategy and public education and outreach programme; standards for the Territory's ecotourism product; and a strategy for the management of invasive species. It also continued to pursue the development of alternative sources of energy, including geothermal, wind and solar energy. The 2009 hurricane season brought no tropical storm conditions to Montserrat.

V. Economic conditions

A. General

23. According to the territorial Government's 2009 budget statement, the economy experienced a positive growth rate in 2008. At the end of 2008, economic growth expanded by approximately 3.8 per cent, driven by the construction sector. Other contributors to gross domestic product (GDP) growth were tourism, mining and quarrying, wholesale and retail trade and transportation. For example, the mining and quarrying sector improved steadily at 3 per cent of GDP, with a 14.5 per cent increase in exports in 2008. Wholesale and retail trades and the transport sectors recorded increases of 22 per cent and 6 per cent respectively.

24. According to the administering Power, the GDP of Montserrat reached approximately EC\$ 123 million and the per capita GDP was EC\$ 20,598 in 2007, the most recent figures available. The Statistics Department of the Government of Montserrat predicted that economic growth would be approximately 3.8 per cent in 2009. The economy of Montserrat continued to be dominated by public sector-led investments and projects. Volcanic activity and hurricane damage, the resultant movement of population and commercial centres and the attendant socio-economic difficulties continued to create tremendous difficulties for Montserrat.

25. The economy has approximately 200 business establishments, large and small, in its private sector. Just over 25 per cent of business is involved with the provision of financial, professional, personal and other household services. The Montserrat Development Corporation, a limited liability company owned by the territorial Government, continues to establish local and international business partnerships with the public and private sectors to stimulate economic growth.

B. Agriculture

26. As a result of the ongoing volcanic crisis, the majority of fertile agricultural lands, pasture and fishing areas are either restricted or inaccessible. According to the 2009 budget statement, GDP decreased in areas of key sectors such as fishing and livestock production in 2008.

27. According to the administering Power, in 2009 the Montserrat Ministry of Agriculture advanced an import substitution programme to reduce reliance on imported agricultural products. The agriculture feeder roads built earlier and the small business grants given to young farmers in 2007-2008, financed by the CARICOM Petroleum Stabilization Fund, significantly increased both the area cultivated and the productivity of farmers working in the Duck Pond, Dick Hill and Blakes Mountain areas. These activities provided a foundation for the establishment

of a food-processing laboratory, which is now in operation; this is expected to improve the shelf life of products produced locally.

C. Financial services

28. Two commercial entities, the Bank of Montserrat and the Royal Bank of Canada, as well as several offshore banks, continue to operate in Montserrat, providing a range of banking facilities. According to the territorial Government, Montserrat is in the process of updating its legislation to meet international standards relating to offshore banking facilities. Montserrat is a member of the Eastern Caribbean Central Bank, which is based in the neighbouring island of Saint Kitts and acts as central bank for Montserrat. Among other functions, the Bank monitors the commercial banks' reserves. Montserrat is part of the Eastern Caribbean Stock Exchange. Montserrat is also a member of the Caribbean Financial Action Task Force, the body that monitors anti-money-laundering activities and the countering of financing for terrorism in the region. According to the 2009 budget statement, the net foreign assets of commercial banking grew by 7.2 per cent, largely reflecting an increase in assets held at institutions in the context of the regional currency union.

D. Tourism

29. The redevelopment of the tourism industry continues to be a priority of the territorial Government. Once the most significant contributor to the local economy, the tourism industry was a major casualty of the island's ongoing volcanic activity. The Montserrat Tourist Board statistics indicate that between January and November 2009, approximately 9,400 tourist arrivals were registered in Montserrat. As reflected in the 2009 budget statement, tourism saw a 1.2 per cent increase in visitors in 2008. Excursionist and yacht arrivals showed strong increases, recording improvements of approximately 5 per cent and 36 per cent respectively. A total of 354 yachts arrived in Montserrat in 2008, bringing 1,840 excursionists to the island. Stay-over and cruise ship arrivals declined by more than 5 per cent.

30. As previously reported, Montserrat is trying gradually to turn the fact that it has an active volcano into a selling point, inter alia, by promoting adventure tourism. For instance, the resurgence of underwater life caused by the volcano has enabled the tourist sector to promote sport fishing and diving.²

31. According to the administering Power, a ferry service between Antigua and Montserrat operated in December 2008 and 2009, the peak month for tourism arrivals on the island. A new full-time ferry service, to be jointly operated by the Government of Montserrat, the Government of Antigua and the Barbuda Island Council, was expected to commence in January 2010. During 2008 and 2009, scheduled air services were available through the Saint Martin-based airline Winair, which operates several daily flights from Antigua. In addition, air charters can be booked on fixed-wing aircraft operating from a Montserrat company. As reflected in media reports, the same locally owned company also commenced scheduled flights in January 2010 between Montserrat and Antigua.

E. Construction and housing

32. During 2008/09, the construction sector, a major contributor to economic activity in Montserrat, resumed growth as a result of the construction of private homes and businesses and a range of public projects. In early 2010, the territorial Government awarded a commission to a private company from the United Kingdom to develop and design a master plan for the island's new capital.

33. Two public sector projects — the housing development project in Look Out (funded by the European Union and the public market) and the Little Bay development project (a four-phase project to be completed over a 10-year period with assistance from the United Kingdom and the European Union) — continued in 2009, as did the housing assistance programme to remove people from emergency shelters, house vulnerable people within the community and assist people to qualify for mortgages from financial institutions. As previously reported, according to the administering Power, housing remains a major problem for people who have lost their homes or have no access to properties that have been evacuated in Plymouth and its environs.

F. Utilities and communication

34. The Montserrat Utilities Limited is responsible for the distribution of water and electricity throughout the inhabited portion of the Territory. According to the administering Power, the entire population has access to Montserrat's plentiful supply of good potable water (about 98 per cent of residents are linked up to the water system). The water section of the Montserrat Utilities Limited takes water from springs high in the mountains, treats it lightly and then stores and distributes it to customers through its network of pipes and reservoirs. It also has responsibility for sewage treatment in some areas, notably Look Out and Davy Hill.

35. With assistance from the Caribbean Electric Utility Service Corporation based in Saint Lucia, the electrical section of the Montserrat Utilities Limited reportedly began the process of developing a geographical information system in 2009 to better manage its infrastructure in the Territory, as unscheduled interruptions in the power supply continued to be a problem. According to the service company, increased ash falling on the power lines in inhabited areas was the primary cause of the power outages towards the end of 2009.

36. With regard to communications, in the context of efforts towards the liberalization of the sector, the territorial Government has held meetings with Cable & Wireless, trading as Landline Internet Mobile Entertainment (LIME), and has had expressions of interest and proposals from other providers, including Digicel.² According to the administering Power, e-mail is widely used, making communications relatively easy, and digital subscriber lines have been introduced. There is a regular mail service between Montserrat and all countries.

37. As previously reported, in 2008 the territorial Government announced that EC\$ 1.5 million would be allocated to build a two-storey building for Montserrat's ZJB public radio; according to information provided by the administering Power, in 2009 the building was at the design stage.

VI. Social conditions

A. General

38. The volcanic crisis has had a profound effect on traditional social structures and support systems, with many families and communities split up and relocated to various parts of the world. As previously reported, in 2008 Montserrat's social security programme was being reformed in order to achieve sustainability in the longer term. Anticipated changes included raising the retirement age, modifying the short- and long-term benefit accrual rates and restructuring the various benefits to reflect local circumstances. According to the administering Power, this process continued in 2009.

39. The territorial Government's social welfare services function focuses on the needs of the most vulnerable persons, including the elderly, the mentally challenged, the physically challenged, children and low-income households. Social welfare services in Montserrat include monthly financial assistance, rental assistance and one-time assistance for items such as food, school lunch, school supplies, utilities and essential household equipment, as well as burials. All social welfare assistance cases are "means-tested" to determine the individual's or household's financial situation and whether they qualify for assistance or are able to help themselves.

B. Labour

40. According to the administering Power, the working population of Montserrat stands at about 2,500, comprising approximately 40 per cent nationals and 60 per cent non-nationals. As previously reported, Montserrat maintains a positive industrial relations climate, within which every effort is made to ensure that workers, unions, employees and other stakeholders in the economy work together to achieve national development goals. Labour relations are governed by the Employment Act (revised 2002), under which the Labour Department continues to provide mediation and conciliation services, with the Labour Tribunal settling disputes.

41. The continuing shortage of skilled labour is being addressed by providing relocation incentives to Montserratians and granting work permits to non-nationals. The granting of work permits is covered under the Immigration Act 2002. According to the administering Power, the territorial Government has continued to facilitate the active recruitment of skilled labour, both professional and otherwise, to meet demand.

C. Education and culture

42. The Montserrat Department of Education is responsible for the development and provision of educational and training programmes intended to enable its citizens to acquire skills that can contribute positively to the future of the Territory. Estimated expenditure on education was budgeted in 2009 at approximately EC\$ 8 million, according to the territorial Government's budget statement. The Territory continued to implement the Education Development Plan covering the period 2004-2009.

43. Montserrat has educational infrastructure and services that provide 100 per cent access to primary and secondary education. The Montserrat education system is broadly based on the British system. The Department of Education is structured into several specialized organizational segments: Early Childhood Education, Primary Education, Secondary Education, Post-Secondary Education, Special Needs, Teacher Training and Education Support Services. There are several Government day-care facilities and nursery schools, and one privately owned early childhood facility. According to the administering Power, two of the four primary schools are privately owned. The Government-owned Montserrat Secondary School is the only secondary school. The Montserrat Community College in Salem offers sixth form programmes, nursing education and some technical skills courses.

44. As previously reported, efforts began in 2008 towards the construction of a national library and archives, with the intention of completing the facilities by 2010. In October 2009, the territorial Government decided that all responsibilities for cultural development should be given to the Montserrat Tourist Board. Later in the year, Montserrat held its first literary festival.

D. Health

45. The Ministry of Health of the Territory is responsible for providing primary and secondary health services to Montserrat, along with health-related policy advice to the territorial Government. According to the administering Power, estimates made in 2008 put life expectancy in the Territory at 72.6 years for the whole population — approximately 74.7 years for males and 70.4 years for females.

46. The estimated expenditure of the Ministry of Health was budgeted in 2009 at approximately EC\$ 15 million. According to the administering Power, during 2009, the territorial Government continued to provide medical assistance on- and off-island for people in need, including foster children, covering areas such as general medical care, surgical care, diagnostic testing, eye and ear care and medication. It continued to offer free dental clinical emergency services for school-age children, the elderly, pregnant women and certain Government staff.

47. According to the Ministry of Health and as reflected in media reports, by December 2009 there were 21 confirmed cases of influenza A (H1N1) in Montserrat. Since the first reported case in November, health-care centres and the Glendon Hospital have seen a steady increase in the number of patients, especially children exhibiting mild symptoms.

48. Montserrat has health facilities that include the 30-bed Glendon Hospital in St. Johns in the north, which is able to cover all routine health issues, X-rays and minor operations, as well as several primary care clinics. Arrangements are in place for emergency medical evacuation to Antigua and Guadeloupe. As previously reported, in 2008, the Ministry of Health of the Territory began work on the development of a new and improved hospital facility. According to the administering Power, in 2009, the Ministry of Health completed work on the development of new and improved hospital support facilities.

E. Crime and public safety

49. In 2009, the territorial Government allocated approximately EC\$ 9.4 million to fund the judiciary and internal security services (police, legal, magistracy, supreme court), as reflected in information provided by the administering Power.

50. With budget allocations of approximately EC\$ 6.7 million approved by the territorial Government in 2009, the Royal Montserrat Police Force has a fully functioning police headquarters within the Government headquarters complex at Brades, as well as two substations and a marine unit. As previously reported, a five-year strategy of the Royal Montserrat Police Force places emphasis on neighbourhood policing, intelligence-led policing, crime reduction and prevention and partnership in the criminal justice system.

51. Under the Parole of Prisoners Act 2004, a Parole Board reviews cases for release into the community on licence, and makes recommendations to the Governor. Criminal offences are dealt with under the Penal Code of Montserrat, revised in 2002. According to the administering Power, in 2009 the Parole Board members underwent intensive training to better understand their role.

52. Concerns about the rise in youth crime and lack of discipline remain constant. In 2009, as reflected in media reports, the territorial Government wished to seek the United Kingdom's help in dealing with the issue of offenders abroad being deported back to the Territory, a practice that posed a challenge in such a small population.

VII. Relations with international organizations and partners

53. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. The Territory receives some support from the United Nations Development Programme.

54. Montserrat is a founding member of both CARICOM and the Organization of Eastern Caribbean States (OECS) and a member of the institutions associated with those organizations, including the University of the West Indies, the Caribbean Development Bank, the Eastern Caribbean Central Bank and the Eastern Caribbean Supreme Court. More information on recent developments with regard to CARICOM can be found in the previous working paper prepared by the Secretariat (A/AC.109/2009/6).

55. In 2009, Montserrat joined the consultations of the OECS member States on a proposed economic union, which was established on 29 December 2009 as the OECS Economic Union. At a meeting held in May 2009, Montserrat contributed to exploring the development of OECS audio-visual industries and in January 2010, the Government approved an OECS stabilization and growth programme for the Territory to respond to the global financial and economic crisis.

56. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it.

VIII. Future status of the Territory

A. Position of the territorial Government

57. The position of the Government of Montserrat on constitutional reform is set out in section II above, which deals with the ongoing constitutional negotiations between Montserrat and the Government of the United Kingdom.

B. Position of the administering Power

58. Information provided by the United Kingdom for inclusion in the aforementioned report of the Secretary-General (A/64/70) states, *inter alia*, that the United Kingdom's policy towards the Overseas Territories rested on the basis that it is the people of each Territory who determine whether they wish to stay linked to the United Kingdom or not and that the United Kingdom had no intention of imposing independence against the will of the people concerned. The statement also referred to the suggestion by some commentators that the United Kingdom should agree to allow Territories the three status options set out in General Assembly resolution 1541 (XV) for removing Territories from the United Nations list of Non-Self-Governing Territories, namely, integration, independence or free association. According to the United Kingdom, its policy was not to agree to integration, nor was there any indication that any of the Territories were seeking that option. Its position on independence had already been set out. The concept of free association, as defined by the General Assembly, would mean that the Territory itself would draw up its Constitution free from the involvement of the United Kingdom, which would nonetheless retain all responsibility for the Territory, without the powers necessary to meet its responsibilities for the Territories. That was not a position the United Kingdom was willing to put itself in.

59. The United Kingdom further pointed out that resolution 1541 (XV) was not legally binding and that it had not voted in favour of the resolution. It considered the existence of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the list of Non-Self-Governing Territories outdated and remained of the view that none of its Overseas Territories should remain on the list.

60. As reflected in a statement made on 5 October 2009 to the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly (see A/C.4/64/SR.2), the representative of the United Kingdom said, *inter alia*, that where the people of any of its Overseas Territories clearly and constitutionally opted for independence, the United Kingdom would help them achieve it. Where instead a Territory wished to retain links, the United Kingdom would safeguard that Territory's future development and continued security and would hold regular annual political consultations with it. Meanwhile, the respective territorial constitutions governed the relationship between the United Kingdom and its Overseas Territories and were regularly updated, following careful consideration of all proposals for constitutional change received from the Territories. A number of such new constitutions had come into force since 2006.

61. The United Kingdom stated that maintaining high standards of probity and governance was a cornerstone of British administration of the Territories. The

United Kingdom Government was committed to allowing each Territory to run its own affairs responsibly as far as possible, but when developments in a Territory gave cause for concern or a Territory failed to fulfil international obligations, the United Kingdom would not hesitate to raise the matter with the territorial Government and intervene where necessary.

62. Further, the British Government continued to encourage all its Overseas Territories to meet internationally recognized Group of 20 standards to ensure sound financial regulation, resilient public finances and responsible debt management.

C. Action taken by the General Assembly

63. On 10 December 2009, the General Assembly adopted, without a vote, resolutions 64/104 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/64/23) and its subsequent consideration by the Special Political and Decolonization Committee (Fourth Committee). Section VII of resolution 64/104 B concerns Montserrat. Under that section's operative paragraphs, the General Assembly:

“1. *Welcomes* the efforts of the territorial Government to continue to negotiate improvements to the Constitution of the Territory so as to preserve its ability to move towards full self-government, notes the efforts of the administering Power to support the redevelopment of the Territory, and encourages them to mutually reinforce their efforts;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption.”
