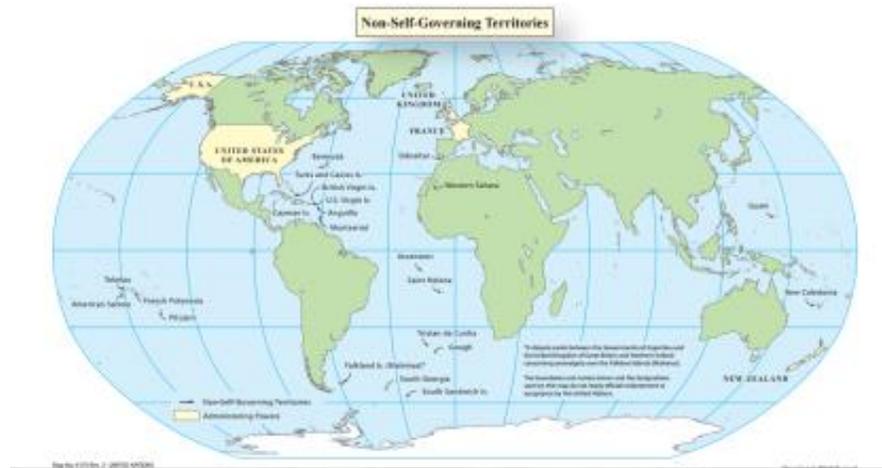


# The Status of the Remaining Non-Self-Governing Territories



## History

In the 20th century, the world witnessed a vast political reshaping. Since the creation of the United Nations, more than 80 colonies made up 750 million people in the world. Independence for these peoples was earned during two world wars and the nuclear arms race. However, 17 non-self-governing territories

remain. This means that the exploitative and violent process of colonization is still ongoing, even in the 21st century. Those 17 non-self-governing territories include Western Sahara, Anguilla, Bermuda, British Virgin Islands, Cayman Island, Falkland Islands, Montserrat, Saint Helena, Turks and Caicos Islands, United States Virgin Islands, Gibraltar, American Samoa, French Polynesia, Guam, New Caledonia, Pitcairn, and Tokelau<sup>1</sup>. Upon the creation of the United Nations in 1945, much of the world did not have self-rule, with one-third of the world's population living in a colonial territory.<sup>2</sup> Chapter XI of the United Nations Charter established principles to help guide the massive decolonization effort that global powers, oppressed peoples and the United Nations were about to confront. While Chapter XI does not advocate for a one-size fits all approach, it does attempt to establish international norms for governing non-self-governing territories and transitioning them to self-governance.<sup>3</sup> Article 73 stresses that colonial peoples should be treated with respect and that self-government should be developed throughout non-self-governing territories.<sup>4</sup> While only 2 million people still live under colonial rule today, decolonization is still an important issue.

In 1960, the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples, or the Declaration on decolonization<sup>5</sup>. This declaration stated, "The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation." Following the Declaration, the General Assembly established the Special Committee on Decolonization to help ensure that the declaration was implemented.

<sup>1</sup> "What the UN Can Do to Assist Non-Self-Governing Territories." *United Nations*.

<http://www.un.org/en/decolonization/pdf/What%20the%20UN%20can%20do.pdf>.

<sup>2</sup> "Decolonization." *United Nations*. <http://www.un.org/en/sections/issues-depth/decolonization/>.

<sup>3</sup> "Chapter XI." *United Nations*. <http://www.un.org/en/sections/un-charter/chapter-xi/index.html>.

<sup>4</sup> *Ibid*.

<sup>5</sup> "Main Documents." *The United Nations*. <http://www.un.org/en/decolonization/declaration.shtml>.

The General Assembly proclaimed 1990-2000 the International Decade for the Eradication of Colonialism.<sup>6</sup> Subsequently, 2001-2010 was named the Second International Decade for the Eradication of Colonialism, and 2010-2020 the Third International Decade for the Eradication of Colonialism. While these declarations have not necessarily brought about any tangible results, they serve an important purpose in raising awareness about the existence of non-self-governing territories. Many people believe that colonialism and imperialism are political systems of a bygone area, but 17 such non-self-governing territories still exist.

## The Special Political Committee and Decolonization Committee

Currently, the Special Political Committee and Decolonization Committees reviews the political, economic, and social states of non-self-governing territories, provides information on territorial developments, facilitates territory specific decolonization processes, and offers advice on decolonization options under the Declaration.

As is often the case many countries ruling over non-self-governing territories vote against resolutions related to them. In 2017 Morocco, along with the United States, United Kingdom, Australia, Israel, Gabon, and Cote d'Ivoire, voted against a resolution related to giving colonized people a right to self-determination.<sup>7</sup> The resolution urged administering powers to safeguard and guarantee inalienable rights to the peoples of non-self-governing territories. While the resolution did pass, with 107 nations voting in favor and 40 abstentions, demonstrating support for non-self-governing people's, the opposition from influential countries underlines the challenges these peoples face both internationally and at the United Nations. Most recently, on June 22 2018, the Special Committee approved 22 draft resolutions and decisions on remaining self-determination questions in Non-self-governing territories.<sup>8</sup> The resolutions sought to reaffirm previous United Nations resolutions dealing decolonization and dealt with non-self-governing territories such as French Polynesia, New Caledonia, Turks and the Caicos, the US Virgin Islands, and Tokelau. Due to the Committee's case-by-case basis for decolonization, the territory of French Polynesia was of special interest during the 2018 session.

Richard Ariihau Tuheiava of the Tavini Huiraatira Group, an elected member of the French Polynesia Assembly, pointed out issues that continue to stall French Polynesia's sovereignty and independence. He stated that, "the administering Power, France, continued to control its resources and to insist on control over undersea and seabed resources, recalling that the most egregious of its activities had been 30 years of nuclear testing that had impacted the health of native French Polynesians."<sup>9</sup>

### Power Imbalances

It is important to consider the long and often times violent histories of many non-self-governing territories today. Generations of power imbalance and economic hardship have shaped the issue of independence for non-self-governing territories into a multifaceted and complex issue. Even with the Special Committee's case-by-case basis, the goal of a completely decolonized world is a far from

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<sup>6</sup> "A/RES/46/181." *United Nations*. <http://www.un.org/documents/ga/res/46/a46r181.htm>.

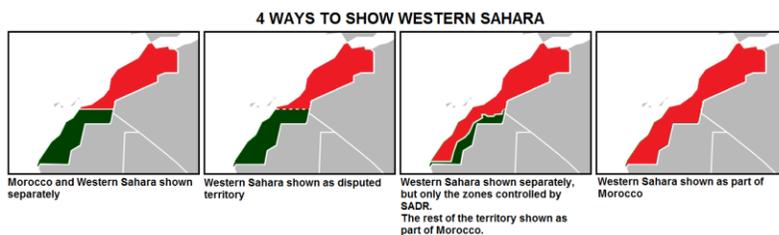
<sup>7</sup> "Fourth Committee Approves 19 Draft Resolutions as It Concludes General Debate on Decolonization Questions." *Relief Web*. <https://reliefweb.int/report/western-sahara/fourth-committee-approves-19-draft-resolutions-it-concludes-general-debate>

<sup>8</sup> "Special Committee on Decolonization Approves 22 Draft Resolutions, Decisions as It Concludes Tw-Week Session." *United Nations*. <https://www.un.org/press/en/2018/gacol3327.doc.htm>.

<sup>9</sup> *Ibid*.

completion. Countries governing non-self-governing regions are very reluctant to allow the United Nations or outside groups to become involved, working to maintain their dominance over these territories in most cases. For residents of these territories who do want independence it can often be difficult when they are working against more powerful countries militarily and economically, not to mention diplomatically. Generally, non-self-governing territories are not afforded diplomatic recognition and face difficulties in getting their cases heard by other countries who might be more interested in maintaining their relationships with non-self-governing territories ruler. At the United Nations this diplomatic imbalance becomes more important as the governing-country can work to prevent their recognition at the United Nations and, in regards to the permanent members of the Security Council, veto resolutions and recommendations to the international criminal court. The United Nations must work together with both the people of non-self-governing territories, but also the administering powers of those territories.

## Case Study: Western Sahara



Western Sahara is a disputed territory in the Maghreb region of Northern Africa. The territory is mainly comprised of desert flatlands, with a sparse population of just over 500,000.<sup>10</sup> Western Sahara is the largest and most populated non-self-governing

territory (NSGT) on the U.N. list of NSGT's. It is bordered by Morocco, Mauritania, and Algeria. The territory was under Spanish rule until 1976 when Spain withdrew its colony. It was then annexed by Morocco. Mauritania also held claims over the land and started a war with the Polisario Front, a Sahrawi rebel national liberation movement, which gained support from Algeria. However, the war was damaging for Mauritania and it withdrew in 1979.

The guerrilla war between the Polisario Front and Morocco over the Moroccan claims for sovereignty ended in 1991 with a cease-fire agreement and the establishment of a UN peacekeeping operation, MINURSO. The UN was planning on offering the people of Western Sahara the chance to hold a referendum to choose between independence (supported by the Polisario Front) and Moroccan ruling, but the referendum never took place due to a lack of agreement on voter eligibility. Morocco maintains a heavy security presence in the territory.<sup>11</sup>

In 2006 the Moroccan Royal Advisory Council for Saharan Affairs (CORCAS) proposed a plan for the autonomy of Western Sahara and made visits to a number of countries to explain and gather support for their proposal. The plan was presented to the UN Security Council in April 2007.<sup>12</sup> On 30 April 2007, the United Nations Security Council passed Resolution 1754, which urged Morocco and the Polisario Front to "enter into direct negotiations without preconditions and in good faith." As a result of the passage of this resolution, the parties involved met in Manhasset, New York to once again try and settle the dispute.<sup>13</sup> The talks between the Moroccan government and the Polisario

<sup>10</sup> "World Population Prospects." *United Nations*.

[https://www.un.org/esa/population/publications/wpp2008/wpp2008\\_text\\_tables.pdf](https://www.un.org/esa/population/publications/wpp2008/wpp2008_text_tables.pdf).

<sup>11</sup> "Western Sahara." *CIA Factbook*. <https://www.cia.gov/library/publications/the-world-factbook/geos/wi.html>.

<sup>12</sup> "Western Sahara." *U.S. Department of State*. <https://www.state.gov/j/drl/rls/hrrpt/2007/102555.htm>.

<sup>13</sup> "Manhasset Spirit Fading in Western Sahara." *ISSA Africa*. <https://issafrika.org/iss-today/manhasset-spirit-fading-in-western-sahara>.

Front were regarded as landmark peace negotiations. However, after several rounds of inconclusive talk led to both parties agreeing on, "the need to move into a more intensive and substantive phase of negotiations".<sup>14</sup> To date, all negotiations have failed to resolve the dispute.

Currently, the Polisario controls about 20–25% of the Western Sahara territory. The Polisario's government, Sahrawi Arab Democratic Republic (SADR), claims sovereignty over all of Western Sahara. SADR refers to the territories under its control the Liberated Territories or the Free Zone, while Morocco controls and administers the rest of the disputed territory and calls these lands its Southern Provinces. The SADR government considers the Moroccan-held territory occupied territory, while Morocco considers the much smaller SADR held territory to be a buffer zone. The United Nations has repeatedly sought to bring a peaceful resolution to this conflict, with the Security Council extending MINURSO in 2018 and calling for all parties to initiate a dialogue.<sup>15</sup> The areas under Moroccan authority have seen some human rights abuses that are common in Morocco, such as the jailing of political prisoners, high levels of corruption, and limits on free speech and the right to assemble.<sup>16</sup> That being said, Moroccan authorities have been known to come down hard, through police violence and unfair trials, against groups and individuals seeking the independence of the Western Sahara.<sup>17</sup>



## Case Study: Gibraltar

Gibraltar is located at the southern tip of the Iberian Peninsula and is a British overseas territory. Great Britain took control of the peninsula from Spain in 1713 and was formally declared a colony in 1830.<sup>18</sup> In the early 1970s, Gibraltar witnessed advances in autonomy under British rule. From 1997 to 2002, the United Kingdom and Spain held a series of talks about temporary joint custody over Gibraltar. Subsequently, the Gibraltar government called for a referendum in late 2002 on the topic. The people of Gibraltar voted against any form of Spanish sovereignty. The Chief Minister of Gibraltar has stated that the country will never be

Spanish. Since late 2004, Spain, the UK, and Gibraltar have held talks that aim to cooperatively resolve problems affecting the local population, ranging from financial and taxation services to environmental protection.

<sup>14</sup> "Western Sahara: UN-led talks end with parties pledging to step up negotiations." *UN News*.

<https://news.un.org/en/story/2008/01/245342-western-sahara-un-led-talks-end-parties-pledging-step-negotiations>.

<sup>15</sup> "Security Council renews UN mission in Western Sahara." *UN News*. <https://news.un.org/en/story/2018/04/1008532>.

<sup>16</sup> "Western Sahara 2017 Human Rights Report." *U.S. Department of State*.

<https://www.state.gov/documents/organization/277515.pdf>.

<sup>17</sup> "Morocco: Suppressing Rights in Western Sahara." *Human Rights Watch*. <https://www.hrw.org/news/2008/12/19/morocco-suppressing-rights-western-sahara>.

<sup>18</sup> "Gibraltar." *United Nations*.

[https://www.un.org/en/decolonization/pdf/Gibraltar%202015%20profile\\_15%20Dec%202015.pdf](https://www.un.org/en/decolonization/pdf/Gibraltar%202015%20profile_15%20Dec%202015.pdf).

In 2007, a new non-colonial constitution was implemented. This constitution led to the European Court of First Instance recognizing Gibraltar's right to regulate its own tax regime in December 2008. However, the United Kingdom retains responsibility for issues such as defense, foreign relations, and internal security. Spain and the UK have continued their historical struggle over Gibraltar into the late 2000s. Throughout 2009, a dispute over Gibraltar's territorial waters led to periodic non-violent maritime confrontations between Spanish and UK naval patrols. In 2013, the British reported a high amount of entries by Spanish vessels into waters claimed by Gibraltar after a dispute over Gibraltar's creation of an artificial reef.<sup>19</sup> When the United Kingdom voted to leave the European Union, Spain renewed its demands for an eventual return of Gibraltar to Spanish control. However, the UK has disregarded any connection between the vote and its future commitment to Gibraltar. The European Commission has said that the UK will need to reach a separate agreement with Spain to allow Gibraltar to be covered by the UK's broader European Union exit agreement.<sup>20</sup>

In particular, Gibraltar has long acted as a tax-haven for companies and individuals seeking a low-tax environment. Brexit threatens this as the European Union has announced its intention to back Spain in future disputes over Gibraltar and stop the territory from being a tax-haven in the future.<sup>21</sup> To this end the Spanish government has continuously lobbied to include Gibraltar as a chapter (or section) of the Brexit negotiations between the European Union and the United Kingdom in order to stop tax avoidance, smuggling, and clarify the border between Gibraltar and Spain.<sup>22</sup>

## Case Study: Falkland Islands

The Falkland Islands located in the South Atlantic serve as a point of contention between Argentina and Great Britain. In April of 1982, Argentine forces temporarily occupied the island, starting the beginning of the Falklands War. This war lasted for 10 weeks and included the dispute over both the Falkland Islands and the South Georgia and South Sandwich Islands.

Argentina surrendered 74 days later on June 14<sup>th</sup> 1982.

Argentina believes it has a right to the islands because it inherited them from the Spanish crown in the early 1800s, and due to their close geographic proximity. The Argentine government views the islands as Argentine territory, and characterizes their military action as the reclamation of



<sup>19</sup> "Spain fisherman protect artificial reef in Gibraltar." *Reuters*. <https://www.reuters.com/article/us-gibraltar-protest-idUSBRE97H04Y20130818>.

<sup>20</sup> "Gibraltar." *CIA Factbook*. <https://www.cia.gov/library/publications/the-world-factbook/geos/gi.html>.

<sup>21</sup> "EU backs Spain in Brexit row over Gibraltar as Barnier holds talks in Madrid." *Express*. <https://www.express.co.uk/news/world/1019387/brexit-news-eu-spain-gibraltar-michel-barnier>.

<sup>22</sup> "Spain wants a special chapter on Gibraltar in Brexit agreement." *El País*. [https://elpais.com/elpais/2018/09/17/inenglish/1537169967\\_017791.html](https://elpais.com/elpais/2018/09/17/inenglish/1537169967_017791.html).

their own territory. However, the British government views the actions made by the Argentine government as an invasion of territory held by the Crown since 1841. More recently, in 2013 a referendum was held on whether the territory should remain a British Overseas Territory. The referendum had a 92% turnout, with 99.8% of Falkland Islanders voting to maintain that status.<sup>23</sup> The referendum was met with Argentinian criticism. The Argentinian Embassy in London called the referendum, “a further attempt by the British to manipulate the question of the Malvinas Islands.” The Argentine government rejected to meet with Falklands representatives, refusing to see them as a legitimate party.<sup>24</sup> Analyzing the status of the Falkland Islands, it is crucial to address the historical, political, and social contexts of the islands.

## Questions to Consider

- Taking into consideration the vast complex social, political, and economic issues, what is the most effective way to begin the process of decolonization in the 21st century?
- Should these non-self-governing-territories still be ruled by their administering powers?
- What are potential complications regarding legal decolonization process?
- What role do historical disputes, such as The Treaty of Utrecht (Gibraltar), play in the 21st century? What should happen to the governmental structure of Gibraltar?
- When referendum votes maintain the status quo, should self-governance still be sought after?

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<sup>23</sup> “Falklands referendum: Voters choose to remain UK territory.” *BBC*. <https://www.bbc.com/news/uk-21750909>.

<sup>24</sup> “Timerman rejects meeting Falklands representatives; only interested in ‘bilateral round’ with Hague.” *MercoPress*. <http://en.mercopress.com/2013/01/31/timerman-rejects-meeting-falklands-representatives-only-interested-in-bilateral-round-with-hague>.