Introduction

In the aftermath of World War II, the practice of Colonisation was put into question, with human rights rising in importance in the international community. Since its establishment in 1945, the United Nations has spearheaded the decolonization efforts, as constituted in the UN charter under Chapter XI titled “Declaration regarding Non-Self-Governing Territories”. These principles included the commitment to respect equal rights and the self-determination of all peoples (article 73 and 74)¹. In 1960, the UN would go on to call for independence for all colonial countries under the so-called Declaration of Decolonisation adopted by the General Assembly, calling for a speedy and unconditional end to colonisation².

At the time of the UN’s formation, there were over 750 million people living in non-self-governing territories under the Colonial powers³. These colonies were often unfairly considered and underrepresented in the colonial powers government. Today, there are still 17 non-self-governing territories remaining, with the number of people living in territories yet to achieve self-determination reduced to roughly 2 million⁴.

Chapter XI of the UN Charter provides a framework for the assisting of non-self-governing territories to develop appropriate forms of self-government. It also binds the administering territories to acknowledge the importance to preserve the interests of the peoples of the non-self-governing territories and to promote the social, economic, political and educational progress in the territories⁵.

Due to their lack of sovereignty, the non-self-governing territories are not members of the United Nations instead they are represented by their administering powers in the United Nations. Thus, the Administrative Powers commitment to considering the territories needs and protecting their interests is paramount.

Defining key terms

Self-Determination:

At the center of the United Nations’ declarations to end Decolonisation lies the principle of the right to self-determination. Self-determination means the right for the inhabitants of that territory to freely decide on

their political status and sovereignty, without exterior interference from any entity\(^5\). Self-determination can be attained through referendums. Such has been done in Tokelau for example, however, its voters have narrowly voted to remain dependent on its Administrative Power New Zealand twice\(^6\).

**Non-self-governing territories (NSGTs):**

Non-self-governing territories (NSGTs), described as “a territory whose people have not yet attained a full-measure of self-government”, as stated in the United Nations Charter (Chapter XI, article 73)\(^1\). In its essence, these territories do not have any legal authority recognized by international bodies. There are subtle legal distinctions that separate NSGTs from Commonwealth or Special administrative regions. These legal distinctions are based on the level of autonomy from, or dependency on the “parent countries”. Thus, for example, Macau and Puerto Rico are not classified as colonies as they are more autonomous, despite their colonial past. Currently, there are 17 territories recognized by the UN to be NSGTs. This list of territories was created by the Special committee for Decolonisation, also known as the C-24. The NSGTs are French Polynesia, Pitcairn, American Samoa, Tokelau, Guam and New Caledonia (all located in the Pacific Ocean), Bermuda, Falkland Islands/Malvinas and St. Helena (Atlantic Ocean), Turks and Caicos, Cayman Islands, US Virgin Islands, Anguilla, British Virgin Islands and Montserrat (Caribbean), as well as Gibraltar (Spain) and Western Sahara (North Africa). The most populous colonies are Western Sahara with half a million people, French Polynesia and New Caledonia both with around quarter a million people.\(^7\)

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Administering powers

The administering Powers are countries that govern the Non-Self-Governing Territories. The countries that preside over these territories are the USA, the UK, France and New Zealand\(^8\). However, the countries that administrate such territories do not share the same political and legal framework, and as such the control they can exercise on NSGTs varies vastly.

The Western Sahara case is separate from the others as it is a disputed territory and neither Moroccan nor SADR (Sahrawi Arab Democratic Republic) sovereignty over the region is recognized by the UN\(^8\).

INTRODUCTION to the NSGTs

Colonial Background

All NSGTs have links to colonialism. During the height of the European Colonialism between the 16th and early 20th century, the Colonial powers would aggressively expand their territories to bolster military and economic prowess.

The relationship between the Colonial rulers and the indigenous population was characterized as systematic oppression by a foreign ruling elite against an indigenous people, who often vastly outnumbered their foreign occupants. The rejection of cultural compromise and the Colonial rulers own sense of superiority was often rationalized by the notion of them bringing civilization to the indigenous people\(^9\). Decisions that greatly affected the colonized peoples were made in the interest of the occupants’ own country of origin. These territories’ natural resources were exhausted and exploited, much like the indigenous population, leading to persisting unequal social standings between settlers and the indigenous population.

The role of NSGTs

In contrast to their seeming inconsequentiality, some of the NSGTs play an important military and economic role. The Cayman Islands, an Overseas territory of Britain, is considered a major financial haven for wealthy individuals\(^10\), while Guam is a strategically situated military base for the United States. As many of the Islands have no corporate income tax, such as Bermuda\(^11\), they have become popular tax avoidance locations.

These territories have also caused conflict between UN Member states claiming the territory, such as, the dispute between the United Kingdom and Argentina over the Falkland Islands which resulted in the Falklands War in 1982\(^12\). Comparatively, in the case of Gibraltar, Spain still maintains its claim over the densely-populated area, which has been under British administration since the War of the Spanish succession, when it was ceded to Britain\(^13\).

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\(^8\) [https://www.globalpolicy.org/security-council/index-of-countries-on-the-security-council-agenda/western-sahara.html](https://www.globalpolicy.org/security-council/index-of-countries-on-the-security-council-agenda/western-sahara.html)

\(^9\) [https://plato.stanford.edu/entries/colonialism/](https://plato.stanford.edu/entries/colonialism/)

\(^10\) [http://www.state.gov/j/inl/rls/nrcrpt/2016/vol2/253390.htm](http://www.state.gov/j/inl/rls/nrcrpt/2016/vol2/253390.htm)


\(^13\) [http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1405&context=ilj](http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1405&context=ilj)
Economy

Many of the NSGTs fall under the category of Small Developing Islands states (SIDS), they are unranked coastal countries that share several comparable challenges regarding sustainable development. Due to a weaker economy, many of the NSGTs rely on the administering powers for economic support, such as with New Caledonia whose support from France makes up a substantial share of their GDP (currently around 10%).

For many of the NSGTs, tourism is a considerable part of their economy. This is the case with the British Virgin Islands where tourism accounts for 45% of the GDP, with most of the visitors coming to the island on cruise ships. Similar figures represent the United States Virgin Islands, where tourism is the primary economic activity. To boost tourism, authorities of the NSGTs are pushing to building infrastructure to facilitate tourism, including resorts and ship harbors. The exportation of natural resources accounts for the rest of the economic activity in the NSGTs. New Caledonia for example, holds around 15% of the world’s nickel resources.

Sociocultural issues

Many of the inhabitants of the NGSTs have the impression that the administering Powers act superior\(^\text{14}\). They feel that issues with racism and discrimination persist in dividing their society. There is arguably some evidence for this partiality in New Caledonia whereby the government organizes a census that also considers ethnicities, contrary to the rest of France where the legal system forbids it\(^\text{15}\). The NSGTs are characterized by a separate culture from their administering Power, and the administrating Powers are bound by the UN charter (chapter XI) to take all the necessary steps to preserve this culture. Most of the NSGTs can be recognized as indigenous people, meaning that they live in a specific location, the territory is their ancestral home and they have a unique culture or language\(^\text{16}\).

Military role

Many NSGTs are military bases, accommodating both naval and aviation forces. These Island NSGTs provide a strategic location for their respective administering nation, these locations allow administering Powers to cast a greater shadow over the global map, easing intervention efforts in locations all over the world. U.S.A.’s Guam is the most significant military base of the NSGTs, with aviation and naval bases accounting for around a third of the island’s surface\(^\text{17}\).

Disputes regarding the NSGTs

Western Sahara is a unique case amongst the other NSGTs. After Spain relinquished its administrative control over Western Sahara a guerrilla war broke out between the two claimants of the territory, Morocco, and the Polisario front, the supporters of an independent Western Sahara, as the Sahrawi Arab Democratic Republic (SADR). The pro-independence group is currently in exile, along with 90,000 Sahrawi refugees, residing in Algeria who supports their cause\(^\text{18}\). Both UNHCR and the world food program have collaborated to help the Sahrawi refugees\(^\text{19,20}\). Western Sahara is currently governed by Morocco and, despite numerous attempts Western Sahara has never been able to establish neither independence nor as more recently


\(^{15}\) [http://formationemploi.revues.org/3855](http://formationemploi.revues.org/3855)


\(^{19}\) [http://www.unhcr.org/53cd1e499.pdf](http://www.unhcr.org/53cd1e499.pdf)

\(^{20}\) [https://www.wfp.org/operations/200301-assistance-refugees-western-sahara](https://www.wfp.org/operations/200301-assistance-refugees-western-sahara)
attempted, autonomy. While no Member state of the UN has recognized Morocco as having sovereignty over Western Sahara, Morocco is de facto ruler over around 80% of the territory including the coastal regions and therefore most of the natural resources. Morocco is strongly backed by the U.S.A. and France, one of the reasons for the lack of development in the situation.

With the EU referenda held by the UK and its subsequent decision to leave the EU, the fate of the disputed territory Gibraltar is again put under question. Gibraltar has twice voted to remain a part of the UK, but after the Brexit referenda, Spain has stated its wish to jointly govern Gibraltar21.

The Falkland Isles or Islas of Malvinas persist to be claimed by both the UK and Argentina. A recent development saw the UN Commission on the Limits of the Continental Shelf ruling to extend Argentina’s maritime border to include the waters surrounding the Falkland Islands22. This decision was welcomed by the Argentinian government, while the members of the legislative body of the Falkland Islands worried over the loss of control over the natural resources found in the water, as recent oil exploration had spurred significant growth in the Falkland Islands’ economy23.

Protecting the interests of the NSGTs

The UN has prescribed a set of objectives concerning economy, culture and education, that the administering powers should promote and help establish in the NSGTs. However, the attitudes toward these objectives vary within the Administering Powers, and involvement of the NSGTs inhabitants in their country politics differ a lot, however, it is often restricted. It is the Administering powers’ responsibility to further the NSGTs capacity for self-government and institutions. This chapter delves into some of the specific obligations the administering Powers have to the NSGTs.

Property rights

In accordance with the UN charter, and further elaborated in resolutions developed from the reports made by the Special Political and Decolonization Committee, the Administering powers are accountable for the sustainable usage of the NSGTs’ natural and marine resources, and to preserving resources that make up the cultural heritage of many of the indigenous inhabitants1. The UN also maintains that it is the right of the inhabitants of the NSGTs to in the future control the usage of natural resources.

Culture and Environment

Environment and culture are inherently linked, such is the case especially for the inhabitants of the NSGTs, as they maintain a unique culture threatened by extinction if not protected. The Declaration on the Right of indigenous Peoples (61/295)24, oversees the protection of the culture, rights and freedoms of indigenous peoples. Though not legally binding, the declaration serves to prevent discrimination and forced integration or assimilation, of the indigenous population. Member states that have yet to accept this declaration include the U.S.A.

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21 http://uk.reuters.com/article/uk-britain-eu-gibraltar-idUKKCN0ZA169
22 https://www.asil.org/blogs/united-nations-commission-limits-continental-shelf-rules-falklands-islands-are-argentina%E2%80%99s
As most of the NSGTs (15 out of 17) are small islands or a small group of islands, they are very vulnerable to climate change\(^\text{25}\), with rising sea levels continuing to raise concern. Flora and fauna of the NSGTs have suffered from the introduction of new alien species. The administering powers must further their efforts to protect these delicate ecosystems from invasive species.

**Enterprises**

The UN resolution A/RES/70/95\(^\text{26}\), reinforces earlier resolutions in that the foreign economic investment should be “undertaken in collaboration with the peoples of the non-Self-Governing Territories and in accordance with their wishes in order to make a valid contribution to the socio-economic development of the Territories [...].”\(^\text{26}\) Additionally, the resolutions adopted by the GA urge the administering powers to avoid any economic activity that adversely affects the Peoples of the territories.

**Institutions**

The UN Charter (chapter XI) asserts that the establishment of institutions is within the jurisdiction of the administering Powers. In order for self-determination to be profitable, institutions functioning independently from their administering Power should be developed in the NSGTs. Self-determination, as characterized by the UN, is the right for the peoples of the NSGTs to choose their own political status and to determine their own way of economic, and socio-cultural development. For such a decision to take place, a democratic infrastructure must exist.

**Major actors involved**

**Committee of 24 (Special Committee on decolonisation)**

Formed in 1961 by the General Assembly, the C-24 mission is to manage the implementation of the declaration of the Granting of Independence of Colonial Countries and People in NSGTs\(^\text{27}\), as well as to brief the inhabitants who are affected by this treaty on the decolonisation procedures. The committee receives reports from representatives of the NSGTs, and currently there are 29 members of the C-24 and in addition 14 observers.

**The Administering Powers**

**Morocco**

The Moroccan monarchy remains the controversial de facto ruler over most of Western Sahara, whilst the rest is controlled by the SADR, as established by the Polisario. Fighting between the Polisario Front and Morocco ended in a cease-fire in the 1991 (resolution 690 of the SC) and the two regions are currently divided by a berm, a 2700 km long sand wall. The conflict derives from the Colonial era when the Kingdom of Morocco first was separated from Western Sahara under Spanish rule, while the former was governed by France. When Spain gave up its administrative power over Western Sahara, Morocco wanted to reclaim its southern provinces while the Polisario Front wanted to establish independency, representing the Sahrawis who identify as culturally and ethnically different from the rest of the Moroccan peoples. The Polisario front has been


acknowledged by the UN as the representative of the people of Western Sahara since 1979. MINURSO (United Nations Mission for the Referendum in Western Sahara)\textsuperscript{28}, the UN peacekeeping mission, supervises the cease-fire and is responsible for the planning to hold a referendum.

France

At the moment, France administers two NSGTs; New Caledonia and French Polynesia. In 2013, French Polynesia was added to the list of NSGTs after a resolution of the Special committee for decolonisation was approved by the GA\textsuperscript{29}. This resolution insists that the people of French Polynesia have the right to self-determination, a ruling that was met with disapproval from the French government.

In New Caledonia, a gradual shift in power from France to New Caledonia itself has begun, as a result of the 1998 Nuoméa Accord where it gained a special status\textsuperscript{30}. A referendum on the self-determination of New Caledonia is scheduled to be held before 2018\textsuperscript{31}. However, due to New Caledonia’s economic dependency on French support, some of the inhabitants worry that the French withdrawal will hurt economic activity.

New Zealand

In Tokelau, New Zealand’s only territory, attempts to achieve independence have already been made. Referendums were held in 2006 and 2007, and both resulted in a vote to remain a territory. Due to these failures the delegate representing New Zealand (C-24) has stated that improving infrastructure in Tokelau should be prioritised, before another referendum is held.

Relevant UN Treaties and Events The General Assembly

- Declaration on the Granting of Independence to Colonial Countries and Peoples, 14 December 1960 (Resolution 1514 XV)
- Economic and other activities which affect the interests of the peoples of the Non Self-Governing Territories, 9 December 2015 (A/RES/70/95)

Possible solutions

As agreed upon in the UN charter chapter XI, the administering Powers should continue to report to the Secretary General on the economic, social and educational conditions as well as give updates on any political and constitutional developments in the NSGTs\textsuperscript{1}. There are ongoing projects in cooperation between NSGTs and UN agencies such as the UNDP. The UNDP (United Nations Development Programme) has been helping Anguilla, for example, in the development of financial legislation and risk management. Another focus of the UNDP is on assisting Tokelau’s development of government and institutions. The UNICEF (United Nations Children’s Fund) has a program in the Caribbean area dedicated to early childhood development and education. UNESCO also works with many NSGTs by encouraging cultural policies and providing education in various subjects, including sustainable development\textsuperscript{4}. Moreover, the General Assembly produces a resolution on each of the NSGTs, every session. For specific information pertaining to a certain NGST, delegates should consult those resolutions.

\textsuperscript{28} http://www.un.org/undpa/en/africa/western-sahara
\textsuperscript{29} https://www.cia.gov/library/publications/the-world-factbook/geos/fp.html
\textsuperscript{30} https://www.cia.gov/library/publications/resources/the-world-factbook/geos/print_nc.html
\textsuperscript{31} http://thediplomat.com/tag/new-caledonia-2018-independence-referendum/
Complete decolonization will probably be a lengthy process even as the UN continues to petition for full sovereignty for the NSGTs. To successfully eradicate the what remains of the colonies, there must be a continuous dialogue between the relevant parties and with reference to relevant UN resolutions on decolonisation. Discussions must occur more frequently among administering Powers, the Special Committee on Decolonization, and the peoples of the territories. A key issue is the lack of involvement of the inhabitants of the NSGTs in these discussions, the peoples of the NSGTs need more opportunities to voice their opinions. A strong representation of the local population should be fostered, and all individuals of the NSGTs should be made aware of their rights and the Administering powers’ obligations toward their government. Representatives from the NSGTs should also be elected to alongside with the UN Member States that administrate them attend UN organized conference to confer on the possibilities of independence and self-determination and on its procedure. The ideal outcome of such conferences would be a foundation, specific to every NSGTs on how to achieve self-determination. Another possibility would be to establish an international framework, with the purpose of protecting the economic and socio-cultural interests of NSGTs as well as providing guidelines to achieve self-determination.
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