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PRESENTATION

BY

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

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

Each of the Pacific territories consists of a small group of islands, surrounded by a large Exclusive Economic Zone endowed with rich fisheries, as well as other marine and submarine resources. Populations vary in size from 66 in Pitcairn Islands (a quite substantial increase from the recent past) - through just over 1,000 in Tokelau and 57,000+ in American Samoa and 150,000+ in Guam - to almost a quarter of a million in New Caledonia.[1] The relevant administering powers are, respectively, the United Kingdom (UK) for Pitcairn Islands, New Zealand for Tokelau, the United States of America (USA) for both American Samoa and Guam, and France for New Caledonia.

With New Caledonia located in Melanesia, Guam in Micronesia, and the other territories in Polynesia, inhabitants of indigenous descent in each of these regions are both culturally and linguistically diverse from one another (and, in the case, of New Caledonia, in common with other parts of Melanesia, internally so), even as they may all identify themselves as Pacific Islanders. They are also in the minority in Guam and New Caledonia[2] - though only Pitcairn Islands, whose inhabitants are descended from immigrants from the UK and Tahiti, can accurately be described as a colony of settlement in the classic sense (in this case, with no locally indigenous ancestors among them at all). The economic circumstances and other living conditions of the majority of indigenous inhabitants of these territories are not readily distinguishable from those of indigenous people in other small island developing countries in the Pacific where rural subsistence and growing urban resettlement, including the expansion, both in number and size, of slums, are increasingly the norms.

Consistent with the mandate which the UN General Assembly (UNGA) has given to the Special Committee on Decolonization under UNGA Resolution 1654 (XVI) of 1961, the Special Committee's 2012 Pacific Regional Seminar provides an apt occasion for reviewing the character of colonial rule and the prospects for decolonization in the region. The urgency and importance of such a review are underlined by the UN's declaration of the Third Decade for the Eradication of Colonialism, which began in 2011. The challenges involved are conveyed in the message delivered to the Special Committee by the Assistant Secretary-General for Political Affairs on behalf of Secretary-General Ban Ki-moon in February 2012 expressing the hope that the Special Committee will

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

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

Thus, the 2012 Pacific Regional Seminar provides an apt occasion to reflect not only on the timing but on the processes and diverse outcomes of decolonization, including such formal relationships as have been agreed with former colonial powers. The ongoing – indeed, growing – public discussion of the case for the UN to play an active role in the decolonization of other entities in and bordering the Pacific, including the support expressed by the Non-Aligned Movement in September 2011 for the rights of the people of French Polynesia to self-determination, suggests a need to clarify the context in which the UN has a role, and, indeed, responsibilities, in relation to decolonization; the issues at stake; as well as options for realizing the goals of the UN's successive Decades for the Eradication of Colonialism.

Context

The UN Charter provides what might be regarded as the seeds of the organization's current policies and role in regard to decolonization, including the Decades which the UNGA has dedicated to the Eradication of Colonialism (the references do not seem firm enough to be regarded as solid foundations, or sufficiently strong and encompassing for a framework for a process as complex and, as experience shows, as frequently contentious and diverse as decolonization). Thus, Articles 1. 2 and 55 refer to the 'self-determination of peoples' as a means to strengthen universal peace. Article 73 commits members of the UN with responsibilities for the people of territories which are not yet fully self-governing to 'the principle that the inhabitants of these territories are paramount', and acceptance 'as a sacred trust of the obligation to promote to the utmost … the well-being of the inhabitants of these territories', including:

     a. … due respect for the culture of the people concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

and

     b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free

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

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

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

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

In regard to the former mandated territories of the League of Nations, the Charter contains a much clearer commitment to the political objectives of the trusteeships which originally applied to 11 trust territories, four of which were in the Pacific, including a strategic trust, before the last of the trusteeship agreements was brought to fruition in 1994. Thus, Article 76. b says that the administering powers will –

> … promote the political, economic, social, and educational inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned ….

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

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

2.	All peoples have the right to self-determination; and

3,	Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

Read as a whole, the Declaration implies that there can never be reasons, only pretexts, for delay, and independence is the only acceptable outcome.

Thus has the right to self-determination grown into a commitment to decolonization. In a subsequent Resolution, 1541 (XV) passed in the same year, the range of acceptable outcomes was then broadened in a provision stating that a non-self-governing territory can be said to have reached a full measure of self-government by –

(a)	Emergence as a sovereign independent state;

(b)	Free association with an independent State; or

©	Integration with an independent State.

The principles which the UNGA agreed should apply to the latter two options include:

-	in respect of (b), free association, 'a free and voluntary choice' by the territory's people 'expressed through informed and democratic processes', respect for the territory's 'individuality and … cultural characteristics', retention of the right for the territory's people to modify the territory's status through democratic and constitutional processes, and the right to make and modify the territory's constitution without external interference (i.e., in effect, by processes which are both democratic and home-grown); and

-	for ©, integration with another state, that it should be 'on the basis of complete equality' between the two peoples involved, including 'equal status and rights of citizenship and equal guarantees of fundamental rights and freedoms', as well as 'equal rights and opportunities for representation and participation' at all levels and in all three arms of government (executive, legislature, and judiciary).

In practice, both of these options require agreement between the colonial power and its successor(s); they are not simply for the decolonizing or post-colonial self to decide on its own. In such circumstances, the right to self-determination becomes a right to state preferences and to be consulted, but not to decide unilaterally (or determine for and by oneself).

In practice, relative proximity and direct accessibility, in particular, together with population size and economic circumstances, appear to have been relevant criteria in determining the willingness of colonial powers and their successors to consider - and, as the case may be, to promote – and agree to either of these options.

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

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

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

In this regard, it is pertinent to recall that international recognition as a non-self-governing territory depends on whether the UNGA agrees to include a particular entity on the UN's list of such territories. It is not just a matter of satisfying certain criteria.

Members of the UNGA determine whether a particular proposal for inclusion on the list of non-self-governing territories is legitimate or not (for example, whether it is really a pretext for illegitimate secession from or dismemberment of a member-state, as some proposals for re-inscription are regarded by at least some UN member-states). The same is true when it comes to dropping a territory from the list (as in the case of French Polynesia, and, previously, New Caledonia until the latter was restored in 1986): the issue is one for UN member-states to resolve. Nonetheless, activists and spokespersons for movements and organizations in and/or concerned with non-self-governing territories not on the UN's list do participate in activities of the UN Special Committee on Decolonization.

Absent an illegal seizure of power (of which there has been no instance in the colonial Pacific[3]), the eventual outcome of decolonization is subject to negotiation between the colonial power and its potential successors. The process is, obviously, one in which the colonial power holds the whiphand when it comes to the availability of free association or integration as possible options. Thus may the alternatives available to anti-colonial activists as well as supporters of alternatives other than those preferred by the colonial power, including maintenance of the status quo, be constrained.

Then there is the question of whether and how a previously agreed outcome can be sustained. This is an issue which has recently been canvassed in the report of an enquiry by a New Zealand parliamentary committee which examined the current operation and effects of the arrangements for free association previously agreed with Cook Islands and Niue and under consideration for Tokelau.

According to the New Zealand Parliament's Foreign Affairs, Defence and Trade Committee, depopulation in the island constituents of the New Zealand Realm means that 'while well-intentioned, the decolonization experience has not been successful for micro-States.'[4] The size of their respective legislatures, combined with high levels of employment in the public, rather than the private, sector (up to 90%), have meant that the 'self-government in free association model' is both costly and does not deliver services to the level that the Committee believes citizens have a right to expect.

While the report is critical of existing governmental arrangements in the New Zealand Realm, the Committee deliberately refrained from calling for their re-negotiation. However, many of its comments not only suggest a need but present a strong case for review. In doing so, the report highlights the reality that even the most carefully negotiated outcomes of decolonization, particularly those other than independence, should not be regarded as necessarily permanent (though none of the outcomes implemented in the Pacific has to date been subjected to comprehensive re-negotiation). The case for review may, in fact, arise in diverse situations – not only when circumstances in and of former non-self-governing territories change, but if and when former colonial powers fall short in meeting previously agreed responsibilities.

Issues

The UNGA Declarations cited above are statements of principle and policy agreed by the UNGA, not all of whose members have necessarily endorsed them. They are not statements of binding international law.

Though the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States comes after the others – and may be said to prevail over its predecessors – the legal position is that the options available to participants in decolonization, both for the decolonizing power and its successors, are not clear. They are matters for negotiation (unless, of course, one or more of the parties refuses to negotiate or to consider compromise). In this respect, the Special Committee on Decolonization may have a critical role to play in recommending whether a particular

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

As with other issues discussed in this paper, the focus at this point is on the political processes and outcomes of decolonization. However, it is not at all clear that political issues are necessarily at the forefront of participants' concerns. Colonial powers, for example, have a long history of insisting that social and economic issues should be addressed before any formal transfer of power – and even that there are social and economic prerequisites for political change. The degree to which such views are sincerely held as distinct from being used as tactics for delay is open to question[5] – and may vary from one case to another. It may even be that the people of some non-self-governing territories, particularly those which are essentially colonies of settlement or otherwise regard themselves as beneficiaries of continuing close links with the colonial power, prefer the status quo to any other foreseeable alternative. This might, in fact, explain the reluctance of the people of some of the remaining territories in the Pacific, to agree even to changes recommended by their leaders. Examples of such reluctance include the referendum held in American Samoa in 2010, in which voters were invited (but the majority declined) to make the essentially symbolic decision to agree that the 'Government of American Samoa' should become known as the 'America Samoa Government', as well as other changes to promote the Samoan language and 'protect the Samoan way of life'. They also include the referenda in Tokelau in 2006 and 2007, when 60% and then 64.4% of voters – but not the two-thirds previously prescribed for passage – expressed their support for Tokelau to become a state in free association with New Zealand (as Cook Islands and Niue already are). In the case of the referenda in Tokelau, there are suggestions that voters were not always swayed by the issues on the ballot-paper so much as other, more personal or local concerns. It might be as well to bear such precedents in mind even when the referendum on independence for New Caledonia guaranteed by that bitterly contested agreement, the *Noumea Accord*, is held between 2014 and 2019.

In fact, the inhabitants of non-self-governing territories are, arguably, no more (or less) likely than voters elsewhere to see other issues, such as access to opportunities and services, as more important than political issues such as the formal transfer of power and its eventual outcome, or to see the transfer of power as primarily a means for promoting other objectives. But much may depend on local circumstances, including race relations or other aspects of relations between rulers and ruled in the particular territory.

A survey conducted on behalf of the government of public opinion in and concerning the United Kingdom's (UK) remaining non-self-governing territories provides interesting insights into the question.

The report of the survey published following the Independent Analysis for Public Consultation on the Overseas Territories invited public responses to a series of questions concerned with such wide-ranging issues as:

> challenges to economic development, everyday life, and politics and government

co-operation with the UK

governance, financial management and economic planning

external support

co-operation between territories

global profile of the territories. [6]

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

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

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

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

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

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

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

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

Despite its intended connotations, partnership does not always involve equality between participants. However, the spirit in which the term is used nowadays does not allow of the kind of conception once espoused by a colonial official in Africa who spoke of partnership as a relationship between a horse and its rider.

The social, political and economic circumstances which have given rise to anti-colonialism in the second half of the twentieth century, particularly, in its modern, nationalist manifestations – opposition to racial discrimination and other forms of foreign domination, education, urbanization, and associated career and other frustrations, combined with a growing sense of shared identity, among elites – are, arguably, quite well known and understood.[7] Decolonization can then be regarded as both purpose and process.

Looking beyond the formal transfer of power and development defined in economic and physical terms, certain advocates and activists in the cause of decolonization have gone

on to argue that decolonization has another dimension – namely, the freeing or decolonization of the mind.[8] Such a conception of decolonization might, arguably, be consistent with aspects of cultural development, in particular. It has been given expression in numerous literary and other works of art, and made prominent in literary, historical and other studies that focus on the role of the subaltern and/or postcolonial perspectives. Such views are not inconsistent with – though they are also not widely regarded as vital to - decolonization as generally understood by the UN. Drawing on them can help to give both form and meaning to the UN's emphasis on cultural development.

It is, however, the formal transfer of power and the promotion of opportunities for participation by local inhabitants in diverse aspects of development, including the educational and economic, as specified in the UN Charter and succeeding declarations by the UNGA, that underlie the understandings embodied in the work of the UN Special Committee on Decolonization. They are keys to making progress towards the UN Millennium Development Goals and the purposes spelt out in the UN Charter. It is accordingly appropriate and important that the Special Committee on Decolonization pays close attention to such matters. They are critical to the eradication not only of colonialism but of the negative and dysfunctional aspects of its legacy, such as certain aspects of social behaviour and economic underdevelopment that may arise from foreign domination.

It is accordingly vital to examine the situation in and of the remaining non-self-governing territories carefully and closely – in order to distinguish situations in which the maintenance of close links with former colonial rulers, and even the status quo, may be perfectly rational options, and not merely expressions of dependence or reluctance to assume increased responsibility and become at least politically self-reliant. Drawing such a distinction may help to clarify the real options before people in non-self-governing territories where support for changing the existing links between a particular territory and a colonial power is, at strongest, reluctant or even close to non-existant. It may even suggest options not identified in UNGA Resolution 1541 (XV) but consistent with the much broader approach adopted in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, namely any political arrangement 'freely determined by a people'. These may include continuation or only marginal adaptation of the status quo.

A reluctant colonial power may, of course, see itself in the position described by Ueantabo Neemia-Mackenzie as that of a 'captive patron'.[9] However, the likelihood is that it may not, particularly to the degree that maintaining a presence in different parts of the world is perceived in terms of its claim to be – and remain – a global power. In a rapidly changing global environment, where new centres of power are emerging and may, perhaps, displace previous centres, such a situation may, in fact, be welcome both to the inhabitants of a small and distant colonial outpost as well as the colonial power.

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

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

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

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

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

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

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

The small size, remoteness and relative isolation from even the most basic services of a community such as that in Pitcairn Islands might, however, be argued as constituting a case for transferring governmental responsibility to another state than the distant UK, or (as previously suggested in my paper presented at the 2010 Pacific Regional Seminar in Noumea) a form of oversight by a regional body, perhaps acting on the UN's behalf. The willingness of regional organizations in the Pacific to allow representatives of non-self-governing territories to participate in their activities already provides opportunities for ensuring that the interests and views of the entire region, including the non-self-governing territories, can, at least, be expressed and heard by other governments in the region. Thus, two states in free association with New Zealand, Cook Islands and Niue, are members of the Pacific Islands Forum, which is, in many respects, the paramount regional organization in the Pacific. New Caledonia and French Polynesia are associate members; American Samoa, Guam and the Northern Mariana Islands (a Commonwealth of the USA) have been accorded observer status; and Tokelau and Wallis and Futuna are special observers. All of the independent and freely associated states in the region, together with the remaining non-self-governing territories, belong to the Pacific Community.

It seems accordingly difficult to argue that the Special Committee on Decolonization, let alone the UNGA, should keep holding meetings at which almost as many officials from the UN and UN member-states, are required to attend as the entire population of one of the territories they discuss, Pitcairn Islands (and where the cost involved might well make a very real difference if allocated to help meet needs on the ground).

Viability as such may not be an issue when it comes to the political options available to the remaining non-self-governing territories in the Pacific: small-scale societies with commitment and means to achieve at least a modest standard of living can develop a remarkable capacity to subsist and persist, as many communities in the remotest, most isolated areas of the region have shown.[10]

For their part, colonial governments have also shown flexibility in the way they have adapted their usual practices to the exigencies of local circumstance in the Pacific – with the UK High Commissioner to New Zealand also serving as Governor of Pitcairn Islands; and the New Zealand-appointed Administrator of Tokelau generally also resident in Wellington. For what might be obvious, practical reasons, these officials do not live and work among the people they serve (at least, not all of the time).

The procedure whereby the position of head (or Ulu) of Tokelau's Council of the Ongoing Government rotates on an annual basis between leaders on the three atolls is not only unique but innovative in the response it embodies to the particular circumstances of life and politics in this territory. The inclusion of elected 'delegates' from American Samoa and Guam as non-voting members of the US Congress (but able to vote in committee) represents another attempt to adapt standard practices in order to take, at least some, account of circumstances in and of non-self-governing territories which remain formally outside the US federation.

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

In short, might it be useful for the UN to appoint an appropriately senior official to monitor implementation of decolonization agreements with outcomes other than independence? Or should there be a UN convention stating the principles by which the parties to agreements concerning free association and other arrangements short of full independence are expected to subscribe, perhaps with its own reporting and monitoring requirements? While it is difficult to imagine a country as closely linked and identified with the Pacific as New Zealand reneging on agreements with communities in the New Zealand Realm, an arrangement to monitor proposed changes to previously agreed arrangements between colonial powers and their successors might nonetheless provide a means of ensuring the ongoing integrity of decolonizations previously authorized by the UN.

Following the two failed referenda in Tokelau – which expressed strong majority support for free association with New Zealand, but not to the two-thirds level previously agreed – the question of a third referendum has been put 'on hold'. Self-determination also seems to have reached something of an impasse in American Samoa and Guam. Again, with the basic arrangements in place – and no obvious, proximate threat of major abuse of human rights or violence - the question arises whether the current arrangements for oversight of decolonization at the UN provide an appropriate and economical mechanism for ensuring the agreed process keeps moving ahead, perhaps more slowly than before. Or, again, would appointing an official to report to the UN Secretary-General – and / or the UNGA's Fourth Committee – be a more appropriate and probably economical way to proceed? Such an appointment might, in fact, ensure closer, continuous oversight than before.

The case of New Caledonia is, in many respects, more difficult and contentious than that of the other non-self-governing territories in the Pacific, particularly when the violence and tensions which preceded the making of the *Noumea Accord* are recalled. However, even here the current issue is not to remake an existing agreement, but to ensure compliance with what has already been agreed. The essential features of the agreement have been elegantly summarised as the gradual and irreversible devolution of state power to New Caledonia, shared sovereignty between New Caledonia and France, and the inclusion in this agreement for the first time of references to citizenship of New

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

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

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

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

Conclusion

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

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

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

Endnotes

[1] South Pacific Community, Statistics for Development, *Pacific Island Populations – Estimates …* ; online http: //www.spc.int/sdp/; accessed 27-5-2012.

[2] See relevant entries in Central Intelligence Agency, *The World Factbook*, online https://www.cia.gov/library/publications/the-world-factbook/geos   …;   accessed 29/4/2012.

[3] At least, not since the Australian military takeover of the Administration of Papua in early 1942.

[4] House of Representatives, *Inquiry into New Zealand's Relationships with South Pacific Countries: Report of the Foreign Affairs, Defence and Trade Committee*, December 2010, p. 15

[5] Schaffer, B. B., 'The Concept of Preparation: Some Questions about the Transfer of Systems of Government', *World Politics*, 18 (1), October 1965, p. 60

[6] *Independent Analysis for Public Consultation on the Overseas Territories*, trufflenet, February 2012, p. 2;   online: http://www.provochamber.com/PDF/otsconsultationreport.pdf; accessed 28/5/2010.

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

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

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

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

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

[11] Christnacht, Alain, 'The Noumea Accord', in Regnault, Jean-Marc and Fayaud, Viviane (eds). *New Caledonia, Twenty Years On: 1998-2008*, Paris, 2008, pp. 111-112. I am grateful to Scott Robertson for providing this source.

[12] Wesley-Smith, Terence, 'The Limits of Self-Determination in Oceania', *Social and Economic Studies*, 56 (1/2), March/June 2007, p. 84