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STATEMENT

BY

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**Statement presented to the United Nations
Pacific Regional Seminar on Decolonisation**

on the

***Role of the United Nations System in Providing Developmental
Assistance to the Non Self-Governing Territories***

presented by

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Dr. Corbin presently serves as international advisor to the *U.S. Virgin Islands Fifth Constitutional Convention*, and was a member of the *U.S. Virgin Islands Political Status Commission* which conducted the only political status referendum in the history of the territory.

He twice served as chairman of the 23-member country *Caribbean Development and Cooperation Committee*, a permanent subsidiary body of the of the United Nations *Economic Commission for Latin America and the Caribbean (ECLAC)*. He was also the founding chairman of the Commission's *Working Group of Non-Independent Caribbean Countries*.

Dr. Corbin has presented scholarly papers on governance and political development at *Bermuda College*, the *University of the South Pacific*, the *University of Copenhagen*, the *University of Puerto Rico*, *George Washington University*, the *University of the West Indies* and the *University of the Virgin Islands* where he is on the faculty of the *Institute for Future Global Leaders*.

He is the author of two United Nations studies on the participation of non-independent countries in the United Nations system, four books, two book chapters and numerous scholarly articles on political and constitutional advancement.

Introduction

The importance of the participation of the non self-governing territories in the work of the United Nations system is a longstanding mandate of the United Nations. This assistance is critical to developing the readiness of these territories in assuming the powers of full self-government, especially as many of the economies of these territories require a heightened measure of human resource development in relation to their engagement with the globalised economy.

Background

The General Assembly has included the participation of the territories in the UN system in its resolutions since its very first session in 1946, and a series of resolutions to this effect have been adopted annually since that time with the aim of stimulating participation of the territories in the UN system.

This participation of non self-governing territories in the UN system is generally facilitated in several ways. These include participation through direct membership, associate membership, and/or observer status in the UN regional commissions, as well as in the UN specialised agencies, depending on the rules of procedure of these respective UN bodies.

Many of the territories are associate members in the *Economic and Social Council for Asia and the Pacific (ESCAP)* and the counterpart *Economic Commission for Latin America and the Caribbean (ECLAC)*. Additionally, many of the territories have access to assistance from the UN bodies, usually through the coordination of the *United Nations Development*

Programme (UNDP). In many cases the territories have participated through their own separate country cooperation frameworks facilitated by *UNDP* with targeted assistance provided by relevant UN agencies depending on the scope and nature of the requirements of the territory. In recent years, as GDP per capita income was increasingly used as the determinant for UNDP assistance, these territories were limited to participation in regional programmes unless they used their own funding to access UNDP assistance. This paper explores a number of these methods:

UN Regional Commissions

The two regional commissions which contain non self-governing territories, the *Economic and Social Commission for Asia and the Pacific (ESCAP)* and the *Economic Commission for Latin America and the Caribbean* provide for virtually all non self-governing territories of the respective regions as associate members. (See Figure 1). The eligibility of associate members is reflected in the terms of reference of the both ECLAC and ESCAP. The ECLAC rules of procedure state:

- 3(a) "Any territory or part or group thereof, within the geographic scope of the Commission's work may, on presentation of its application to the Commission by the member responsible for the international relations of such territory, part or group of territories, be eligible for admission by the Commission as an associate member of the Commission. If it has become responsible for its own international relations, such territory, part or group of territories may be admitted as an associate member of the Commission on itself presenting its application to the Commission.
- 3(b) Representatives of associate members shall be entitled to participate without vote in all meetings of the Commission, whether sitting as commission or as committee of the whole.

- 3(c) Representatives of associate members shall be eligible to be appointed as members of any committee or other subordinate body which may be set up by the Commission, and shall be eligible to hold office in such body.”¹

Figure 1. Associate Members of UN Regional Economic Commissions

Associate Member	Date of Admission	Commission
Anguilla	20 April 1996	ECLAC
Aruba	22 April 1998	ECLAC
British Virgin Islands	6 April 1984	ECLAC
Cayman Islands		ECLAC
Montserrat	23 April 1968	ECLAC
Netherlands Antilles	14 May 1981	ECLAC
Puerto Rico	10 May 1990	ECLAC
US Virgin Islands	6 April 1984	ECLAC
Turks and Caicos Islands /a		ECLAC
American Samoa	28 July 1991	ESCAP
Cook Islands	11 July 1972	ESCAP
French Polynesia	31 July 1992	ESCAP
Guam	24 July 1981	ESCAP
Hong Kong, China	25 November 1947	ESCAP
Macao, China	26 July 1991	ESCAP
New Caledonia	31 July 1992	ESCAP
Niue	3 August 1979	ESCAP
Northern Mariana Islands	22 July 1986	ESCAP

Note: Bermuda is eligible for ECLAC associate membership pursuant to the relevant provisions of the ECLAC Terms of Reference, while Tokelau and Pitcairn are eligible for ESCAP associate membership pursuant to similar provisions in the ESCAP terms of reference.

a/ Present status of associate membership in question as constitution was suspended by administering Power in 2009.

Source: Official websites of Economic Commission for Latin America and the Caribbean and Economic and Social Commission for Asia and the Pacific, 2009.

Associate membership affords the opportunity to participate in relevant areas of the work programme of ECLAC and ESCAP) as any full member country.

Participation in UN World Conferences

Utilising the associate membership in the UN regional economic commissions as a base, the territories are also afforded the opportunity to participate in the main United Nations world conferences and special sessions in the social and economic sphere, in the capacity of observer. This category of participation of “*Associate Members of Regional Economic Commissions*” was first utilised for the *International Conference on Environment and Development (UNCED)* in 1992 and with most world conferences through 2009 with the conference on the financial crisis (*although no AMC attended*).

The strategy for the development of this category of participation emerged from the work of the *Caribbean Development and Cooperation Committee*, a permanent subsidiary body of ECLAC, which had created a *Working Group of Non-Independent Caribbean Countries* in 1990, renamed in 2006 as the *Working Group of Associate Member Countries (AMCs)*. This area of territorial involvement in the world conferences and special sessions was the subject of a study by the Caribbean Subregional Headquarters of ECLAC in 2004¹ which provided significant insight on how the rules of procedure for each of the world conferences were modified to include the

¹ Corbin, Carlyle. “*The Participation of Associate Member Countries in United Nations World Conferences*,” ECLAC Subregional Headquarters for the Caribbean, Doc. No. LC/CAR/R.76. 21 June 2004.

AMC category of participation, identified areas of interest of the territories which emerged from the world conferences, as well as the issues of concern in relation to the extent of participation by the non self-governing territories.

In this connection, the report noted that:

“The extent of participation of associate member countries in the U.N. world conferences, summits, International Meetings and Special Sessions varies from country to country dependent on a variety of factors including the level of political and financial commitment to such participation, as well as the extent of awareness of eligibility. In this regard, while a political commitment may exist in many cases, it is often the case that the financial resources are not available for associate member participation in these sessions where it may be available for other developing countries.”²

The 2004 ECLAC report made a number of additional conclusions³:

“...it is evident that the level of participation of the associate members in the U.N. World Conferences has remained inconsistent during the period, ranging from moderate attendance by some associate member countries to little or no participation in several cases. Of the 15 events in which associate member countries were eligible during the period 1992 – 2003..., no associate member country (AMC) participated in all of the sessions.

In the ECLAC region, The AMC which participated in the most sessions during the period was the US Virgin Islands which attended 12 of the 15 eligible events, with the next most frequent participant being the Netherlands Antilles and Puerto Rico. Aruba and the British Virgin Islands participated in three sessions each, with Montserrat attending two conferences and Anguilla participating in one session.

In the ESCAP region, the AMC which participated in the most sessions was Guam which participated in four sessions, followed closely behind by Niue with attendance in three sessions, and American Samoa and the Cook Islands participating in two conferences. The Northern Mariana Islands, Hong Kong, Macau, New Caledonia and French Polynesia all participated in only one session.

² Ibid, p. 26

³ Ibid, pp. 29-30

It is to be noted that the 1994 Global Conference on the Sustainable Development of Small Islands enjoyed the largest number of AMC participants with ten AMCs, preceded by the 1992 UN Conference on Environment and Development garnering seven AMC participants. The 1994 International Conference on Population and Development, and the 1995 Fourth World Conference on Women amassed six AMC governments, respectively. No other conference drew more than three AMC participant, and two sessions found no AMC participation.

Several recommended actions of the 2004 report were clear ⁴ :

- The General Assembly, and the Economic and Social Council, should intensify implementation of the relevant resolutions of these respective bodies designed to assist the non-independent countries in expanding their participation in the international process. This intensification might take the form of collaboration with those regional commissions which have associate member countries.
- The Economic and Social Council should provide for a formal status for AMCs in the work of the Council, in the capacity of observer or associate member, consistent with relevant resolutions of ECLAC, ECOSOC, and the General Assembly.

The report also concluded that ⁵:

“It is clear that the associate member countries of ECLAC and ESCAP (including the non self-governing territories) have evolved to a strategic point in their development process that should facilitate their logical progression to a more regular and comprehensive participation in the United Nations system, consistent with their level of political maturation and awareness of the importance of their role in international deliberations which impact on their economic and political viability as emerging micro-states.

The international community should show their flexibility by facilitating the participation of AMCs, on a regular basis, in the world conference and special session/summit proceedings.

⁴ Ibid, p. 32

⁵ Ibid, pp. 32-33

United Nations Programmes and Funds

Following on from the 2004 study on participation of the non self-governing territories in UN world conferences was a 2007 study⁶ which examined the lengthy General Assembly and ECOSOC mandates, and the prevailing access of the territories to the wider UN system including the UN programmes and funds, and in particular, the consistent role played by UNDP. The study also examined the mandate in the respective specialised agencies for the participation of non self-governing territories as members, associate members or observers.

With respect to UNDP, the study drew the following conclusions:

“Examination of UNDP assistance to non-independent countries clearly shows that this United Nations programme has made a major contribution to the development process of this unique set of small island countries, beginning with assistance in the form of individual country programmes as early as the 1970s through to the participation in regional programmes with neighboring independent states within the framework of economic integration. In this vein, it is important to note that the General Assembly in its resolutions from 2003 to 2006 have advocated for a further expansion of UNDP coverage, calling for “the inclusion of the (United States Virgin Islands) in regional programmes of the United Nations Development Programme, consistent with the participation of other Non Self-Governing

⁶ Corbin, Carlyle. *“A Plan of Action for the Further Integration of Associate Member Countries in the United Nations System including its specialised agencies” in the economic and social sphere* ECLAC Subregional Headquarters for the Caribbean, Doc. No. LC/CAR/L.152. 14 December 2007.

Territories.”ⁱⁱ The modalities for this inclusion have not yet been identified. Regarding the AMCs affiliated with France, there has not been a UNDP role, although engagement with relevant United Nations specialised agencies can be identified.

It is noteworthy that UNDP has been the most consistent and extensive in providing information requested by the Secretary-General or the President of ECOSOC each year on assistance programmes to those non independent countries which are non self-governing, as compared to other United Nations funds and programmes and specialised agencies.

Overall, the extent of information submitted from the United Nations organisations on assistance to the non self-governing territories varies widely, with the largest number of responses received in 1986-1988, with a slight decline by 1993, and a more steady decline by 2006. In 2005, a number of organisations began to formally advise that they maintained no programmes in favour of the non-independent countries.”

UN Specialised Agencies

In similar fashion to the UN regional commissions, the UN specialised agencies facilitate the direct participation of non self-governing territories in their work. In this connection, the Food and Agricultural Organisation (FAO), the International Civil Aviation Organisation (ICAO), the International Maritime Organisation (IMO), the UN Educational, Scientific and Cultural Organisation (UNESCO), the Universal Postal Union (UPU), the World Health Organisation (WHO), the World Meteorological Organisation (WMO), the International Telecommunications Union (ITU) and the World Tourism Organisation (WTO) all have varying provisions for

the membership, associate membership or observer status of non self-governing territories.

The *International Labour Organisation (ILO)*, the *International Fund for Agricultural Development (IFAD)*, the *World Intellectual Property Organisation (WIPO)*, the *United Nations Industrial Development Organisation (UNIDO)* and the *International Atomic Energy Association (IAEA)* maintain no separate provisions for the participation of non-independent countries as associate members.⁷

Concluding Observations

The findings of the 2007 ECLAC study, which was disseminated in 2008, on the participation of the associate member countries, including the non self-governing territories, revealed important lessons which still maintain in 2010 regarding the role of the United Nations in providing assistance to these territories. A number of points remain especially timely:

- Many United Nations bodies have contributed significantly to fulfilling the mandate of providing developmental assistance to the territories, but some UN bodies have been more consistent than others depending on a number of variables including whether the governance regulations of any organisation has been modernized to include the territories in their work.

⁷ Ibid. p. 62

- The legislative authority is longstanding for the integration of the territories in the United Nations process, including direct assistance as well as direct participation in the organisations concerned.
- The category of associate member of regional economic commission allowing for the territories to participate in the UN world conferences category has not fully become standard United Nations practice, and has been inexplicably omitted from a number of General Assembly summits and high-level sessions on HIV/AIDS, climate change and children, for example. It was included, however, in the 2009 General Assembly Session on the economic and financial crisis.
- ECOSOC should re-visit the resolution which it had earlier declined to approve providing for the territories to participate in the important work of its functional commissions on statistical analysis, science and technology, social development among other areas are directly related to their ongoing development process. The absence of a role for the AMCs in the work of the *Commission on Sustainable Development* is especially glaring, given that the issues of the vulnerabilities of small island states are considered in that body, and the territories already participate in the General Assembly consideration of these issues.
- There are no “constitutional impediments” to the participation of the non self-governing territories to participate in technical programmes and activities as has been argued in ECOSOC by some States which administer territories. Such an argument is inconsistent with General Assembly and ECOSOC resolutions. In this vein, those States which administer territories should be flexible in their decision-making with respect to agreeing the participation of the territories in UN activities.

- UNDP continues to play its critical role in the coordination of specific assistance to AMCs from United Nations programmes and funds, but the net-contributor status of many of the territories impedes their receipt of assistance. A further role for the regional commissions might be considered in terms of developing further access of these countries to the activities of these important United Nations entities.
- While many specialised agencies have modalities for direct participation of the territories, a minimal number of territories have joined these specialised agencies which maintain an associate membership or other category in which they can participate. There is also evidence that those which are in the organisations often do not enjoy the same level of programmatic assistance and participation as experienced in the regional commissions. The requirement of a financial contribution for specialised agency participation is also a deterrent. No such assessment is required for the regional commissions.

In summary, the various bodies of the United Nations system have much more work ahead, firstly, in recognising the existence of the international mandate of the integration of the non self-governing territories in the work of these organisations, and secondly, in devising ways and means of implementing that mandate.

The extent of participation of the territories in these UN bodies is not as extensive as it could be, owing mainly to insufficient awareness on the part of the territories regarding their eligibility to join such UN bodies. It is also the case that many of the agencies do not consider the participation of the territories a priority, despite annual resolutions of the General Assembly

and the Economic and Social Council requesting that the issue be taken up in the governing councils of these agencies.

Thus, when the Secretary-General makes his annual request for information from the specialised agencies on their assistance programmes to the territories, only a few agencies reply. Even a number of agencies which include territories in their programmes do not reply. A better approach needs to be found for the UN system to acquire this important and relevant information.

The direct participation of the territories in the UN system provides the territories with access to the dialogue on some of the major economic and social issues facing the sustainable development of small island countries. Equally as important, it provides them with essential exposure to the international dialogue, and the developmental space to enhance their capacity building.

The continued support for principles of self-determination and decolonisation by the General Assembly are useful, but it is the support for such tangible assistance, such as the participation in the technical work of the UN system, that is equally important to the development process of the territories in a globalised world. Flexibility must be shown by member states if these territories are to be adequately prepared to assume increasing levels of self-government.

Continued and expanded access to the UN system is an important tool for sustainable development in a globalised world, especially for small

island territories whose access to international institutions continues to remain unnecessarily limited, often based on overly restrictive and “control-based” considerations.

The pamphlets on how the UN can assist the non self-governing territories are useful, but do not provide any information on the procedures for the territories to access these UN agencies and the appropriate eligibility criteria. In this light, increased coordination between the Special Committee and the wider UN system is essential. The Special Committee should formally collaborate with the regional commissions, UNDP and other organisations of the wider UN system in order to advance the process.

This collaboration is necessary if the territories will be in the position to access the relevant UN programmes for the benefit of their development process, consistent with the relevant United Nations resolutions where implementation continues to be a major challenge.

ⁱ Biennial Report, Economic Commission for Latin America and the Caribbean, Economic and Social Council Official Records, (16 April 1992 - 27 April 1994), Supplement No. 18, United Nations; Santiago, Chile.

ⁱⁱ See U.N. General Assembly Resolution 58/108 B of 9 December 2003. Section XI. Operative Para. 3; U.N. General Assembly Resolution 59/134 B of 10 December 2004. Section XI. Operative Paragraph 3; U.N. General Assembly Resolution 60/117 B of 8 December 2005. Section XI. Operative Paragraph 3. U.N. General Assembly Resolution 61/128 B of 14 December 2006. Section XI. Operative Paragraph 3.