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THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Pacific regional seminar on the implementation of the Third International Decade for
the Eradication of Colonialism: current realities and prospects

Quito, Ecuador
30 May to 1 June 2012

STATEMENT

BY

THE REPRESENTATIVE OF ANGUILLA

Pacific Regional Seminar of the Special Committee of 24

Quito, Ecuador

Adopting the protocol already established, I wish to thank the Organization for the efficient coordination of arrangements for our attendance at the Forum. In my capacity as Independent Legal Counsel to the Chief Minister, the Honourable Hubert Hughes I wish to convey his regrets at not being able to be here in person. Today, as we sit here this 30th day of May, Anguilla is actually celebrating its 45th Anniversary of a Revolution which was reflective of their struggle for a better relationship with the Administering Power and a better change in their circumstances as a Territory. I do on his behalf and on behalf of the People of Anguilla offer you warm greetings from the Territory of Anguilla.

Just by way of refreshing our Contributors to this forum, Anguilla is a 35 sq mile island, located geographically in the northeast Caribbean and has a population of approximately 15,000 persons. Our primary source of revenue is through our tourism industry with a small component coming from the offshore sector.

Anguilla is the last remaining Territory of the United Kingdom to engage in its constitutional advancement process. A Constitutional and Electoral Reform Committee consisting of a cross-section of society including the Opposition, was established by the current administration with a view to settling policy positions held by the People of Anguilla. Those settled positions would then be used as a basis for proceeding with commissioning of a draft of our Constitution. Based on the expressions of our People through the various media, although not polled, it is becoming a stark reality that the People of Anguilla will surely be considering a comprehensive overhaul of the principles in the current Constitution, in particular, a serious reduction in the powers of the Governor. In so doing and with knowledge of the leanings of the Anguillian People, the Administering Power has made strong indications that in their view they perceive the current constitution as *“being fit for purpose”* and therefore they will not be amenable to any other arrangements that seek to reduce their powers. The Governor of our Territory in a Statement to the Electoral Reform Committee has said:

“The UK Government believes that the current constitutional model is fit for purpose. As Mr Bellingham said in his letter of 11th March to the Chief Minister and other OT leaders, the relationship set out in the Territories’ Constitutions’ is fundamentally right. He is not proposing any change in the fundamental structure of the relationship. This is not to rule out constitutional evolution or reform where that is necessary. The aim is not to change the constitutional relationship, but to see that it works better. In this context, the concept of Associated Statehood previously proved to be an unsatisfactory model for the West Indies territories concerned,

which were unable to exercise full independent statehood, including a seat at the UN and conduct of their foreign affairs and for the UK which was inhibited from exercising its responsibilities for good governance in the territories concerned.”

As a result of that statement, we the People of Anguilla see ourselves on a direct collision course with the Administering Power since in the view of our People, they have seen the worst manifestations of true colonialism sanctioned by the British Government through their current Representative against the current Elected Government. We have seen the direct opposite of exercising good governance in the Territory and as such our People are therefore adamant that the current Constitution or anything that maintains the current balance of powers so greatly in the favour of the Administering Power cannot be retained. Again although there is no official poll there is the appearance that our People are leaning increasingly towards Independence. What was once a sparse discussion on the subject of Independence has now swelled to a feverish pitch, so much so, that even the Opposition in the Country is now calling for that Independence status as well. Contrary to the position that the Non-Self Governing Territories should be steadily advancing towards greater positions of autonomy, Anguilla has been witnessing the greatest form of retrogression and being thrown deeper in the arms of colonialism and against the spirit of the Declaration Resolution 1514 (XV).

While the actions of the Administering Power may be to our advantage as a People, in that, the constant reduction of our Dignity as a People is prompting us to embrace the concept of Independence even more vibrantly, it is disheartening that the Administering Power is not mobilizing us to embrace the concept of Independence through more positive mechanisms. Until the Administering Power accepts that for us as Non-Self Governing Territory to grow, that we have to have greater input in the shaping of our Territory, and treat the Constitution, even in the current form, as a living document that operates through co-operation with the Elected Leaders, We the People of Anguilla will continue to see what we observe as the heavy-handed approach of colonialism by the Administering Power.

Anguilla’s consideration of Independence has been spurred by two primary factors:

- (i) The actions of the Governor towards the Elected Representatives of the current administration which in many aspects is against the purported commitment touted by the Administering Power; and
- (ii) The indication from the Administering Power that there can be *no change to the fundamental structure of the relationship*, which we have reasonably taken to

mean that the 2nd Option of free association or full internal self-government is off the table.

There is a litany of examples of the actions of the Representative of the Administering Power which we feel are contrary to the interests of us as a People, and contrary to the very statements of the standards which the Administering Power says they embrace. While I will try to capture for you a flavor of what Anguilla has been dealing with, I ask you to view the examples against the commitment which the Administering Power says it applies to the Territory. They have said:

“The UK is committed to supporting economic and political development, to common principles of democracy, human rights and the rule of law and to the implementation of good governance standards.”

The UK’s ‘Support’ of our Economic Development?

How can one reconcile the situation that a country of 15,000 persons should have a debt in excess of 200 million dollars Eastern Caribbean currency and a budgetary deficit of in excess of EC\$70 million all occurring under the watch of the Administering Power? How does one reconcile that from 2007 indications made by British luminaries show that Anguilla was not able to sustain the minimum of three (3) months reserve and the fact that little appeared to have been done on the part of the Administering Power to make right this situation? Instead, under their supervisory watch, Anguilla spiralled out of control and Anguilla’s economy plummets. While we accept that People of our Country have a responsibility to challenge Governments that do not respect their responsibility for prudent management, who acts as the check and balance on the Administering Power especially when their actions are inconsistent with the self-growth of the Non-Self-Governing Territory?

A further quandary has now arisen: The People of Anguilla utilized their check and balance through the polls and the Administering Power should have sensed the resolve of the People to put things right, and given to the Elected Representatives a chance to take on the mandate of resolving the financial problem and to take charge of their own circumstances – instead the Administering Power has acted to stifle the mandate of the People and imposing their own desires by way of a number of ultimatums, a few of which we set out below:

- (i) 3 years to balance our budget,
- (ii) an insistence that we should relieve 30 % of our civil service notwithstanding the fact that to do so could collapse our Banking sector and create poverty;

- (iii) preventing any borrowing even though the prevailing Economics approach is that there needs to be some borrowing to inject some movement in the Economy.

Anguilla does not have the safety nets to take care of the fallout. Today, the Administering Power has entered a double-dipped recession, and had we in Anguilla subscribed to their Economic thinking, we would quite naturally be in a worst position than we already are given our even greater fragility – but yet, the stricture of the Administering Power remains and in creative ways we are constantly being hamstrung and not allowed to handle our own affairs.

We submit that in the Supervisory Role of the Administering Power, there has to be a balance struck, and a balance that should always be in the favour of the People of the Territory; a balance that allows a prudent Government to continue to work out the mandate of the People that have elected them and only when that comes into question the ‘supervision’ of the Administering Power should then supercede. For Anguillians, that balance is not being struck in their favour and it leaves them feeling that there is more direct control through the Administering Power than the strong mandate which they gave to their Elected Representatives being worked out. We are feeling the full brunt of colonial tactics that favour the Administering Power.

The United Kingdom’s Support to our Political Development

One would think that support to our political development should mean that as a Non-Self-Governing Territory we are constantly seeking to employ mechanisms and structures that enhance our system of democracy, allow for the effective implementation of Governments’ policies and engage the ideals of good governance. Until our Constitution is modernized, we would have expected that there would have been a greater form of cooperation between the Administering Power through their Representative and the Elected Representatives since the common aim should be the greater autonomy being devolved to the People of the Territory.

There is great room for improvement in this area to say the least. Again the examples abound. The fact that the Representative of the Administering Power denies a Chief Minister from re-shuffling his Cabinet though allowed by the Constitution, or refusing to appoint a Minister of the Chief Minister’s choosing in the Chief Minister’s absence from the Territory when the Constitution does not permit a discretion on the part of the Administering Power, demonstrates the complete disregard to our Political Development. Suffice to say there needs to be an atmosphere created that leads to greater autonomy – we would say even now under the present Constitution and until that Constitution changes, greater credence should be given to the views of the Elected Representatives - a consciousness that by so doing the views of the People of the Territory are more fully embraced.

Indeed, the People of Anguilla have viewed the statement of the Governor to the Constitutional Committee that *ipso facto* :

“It follows that a new Constitution will be drafted by the constitutional experts in the FCO...”

is the kind of indignity that creates further tensions. We are a Territory that had its original Constitution drafted on its soil by its own Eminent Counsel and for the Administering Power to assume and no doubt insist that our Constitution be drafted by them highlights, in our view, the deepest trappings of Colonialism. A Constitution should spring **FROM** its People and be **OF** the People.

Support of Common Principles of Democracy, Human Rights and the Rule of Law and Good Governance

We have had no major issues with the Administering Power in the area of Human Rights other than that we view many of the overall inconsistencies in the relationship as being an overarching domination and exploitation of our People and therefore a denial of our Human Right not to be subjected by a Foreign Peoples.

However on Common Principles of Democracy, the Rule of Law and Good governance, some pertinent issues have arisen that impact our People. I give one example to demonstrate the conflict. I have already mentioned that Anguilla was given an ultimatum to balance its budget in three (3) years. It was not an option open to the Chief Minister to depart from the same despite his exhortations that it took more than three (3) years to create that demise. Notwithstanding, the Chief Minister took on the challenge as Minister of Finance and together with a small composition within the Ministry managed to move that economic deficit of EC\$70 million to EC\$12 million in his first year of office and created a slight surplus in the second year. How then can it possibly be democratic that without consultation with the Chief Minister, the Administering Power through its Representatives can remove the key personnel within the Chief Minister's Finance ministry who were responsible for Anguilla's financial recovery without consultation? Further, how can all the Leaders of the Caribbean Overseas Territories have met with the highest Ministerial levels of the Administering Power and denounce the action of the Representative of the Administering Power as being an act outside of good governance and yet that decision remain? So that having given an ultimatum to balance the Budget, the Administering Power then unilaterally removes the tools by which the Territory can succeed in meeting the demands of the Administering Power. Again, the People of Anguilla perceive these actions of the Administering Power as demonstrative of a clear departure from the goals of the common principles of democracy and fairplay espoused by the same Administering Power.

As a footnote, we are gravely concerned, that notwithstanding full acknowledgement of allegations of corruption in the Territory, referred to even by the Foreign Affairs Committee in the United Kingdom, that the claim of support for good governance apparently does not extend to tackling this issue. The request for technical support by way of forensic accountants which

was requested by the Present Administration of the Territory has been denied. Likewise there has been no proposal for assistance in any form that may allow us to recoup exorbitant amounts which could possibly be due to our Treasury. Again, it makes good governance seem a farce.

Has there been a removal of full autonomy as an Option by the Administering Power?

In the current climate in Anguilla where the discussion of Independence seems on the lips of the average person, the People of Anguilla are concerned that they are being denied the full range of options open to us as part of the decolonization process. We denounce the Administering Power suggesting that we are not open to consider for our People the full range of any relationship which our People feel they wish to consider. In fact there is a deep sense of lack of fair-play that the Administering Power is saying either you accept greater control from us or you leave. We do not accept that the Administering Power should be allowed to determine for us what our political status should be and we trust that the Special Committee will investigate and make pronouncements on the same.

Notwithstanding, the People of Anguilla will shortly have to consider the question of whatever form of Political status they wish to adopt, but we hold the view that the utterances of the Administering Power belies a greater divide which the Special Committee will have to reconcile with the Administering Powers, namely, when they are seen to be in conflict with the Tenets of the Declaration how does the Special Committee reconcile the same in the interest of the Non-Self-Governing Territory.

We welcome the ability of the Special Committee to have a more direct link on an organizational level with the Elected Representatives of the Territories so that while we get prepared to take the ultimate steps of freedom to determine our own destinies, those that stand in the way of the same may know that there are true checks and balances on a global level to the exercise of their authority.

I trust that I have crystallized the issues facing our Territory and have done justice to the voices of the Government and my People of Anguilla.

Presented by :

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30th May 2012