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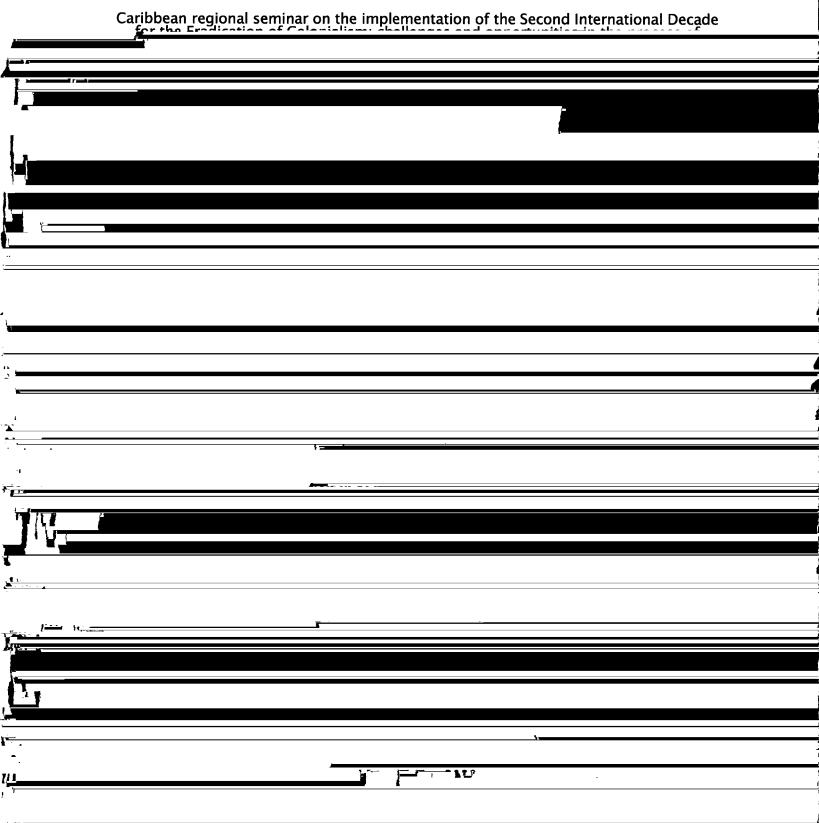
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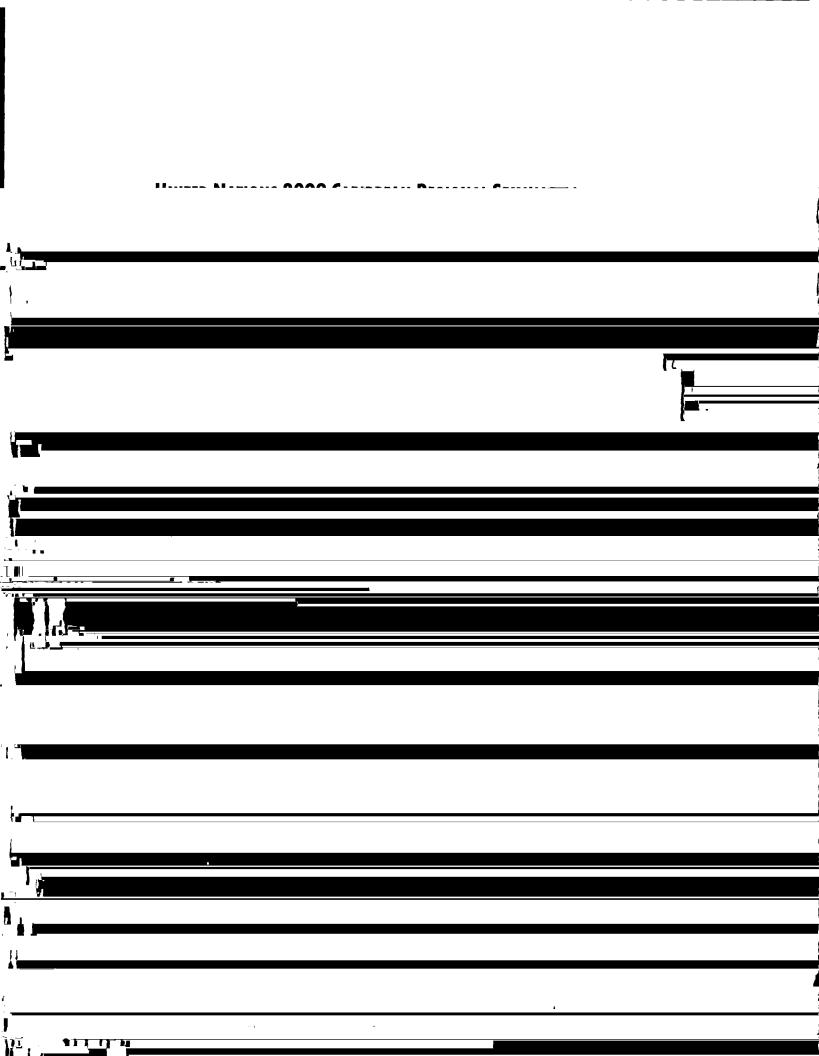
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ORIGINAL: ENGLISH

SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM





INTRODUCTORY REMARKS

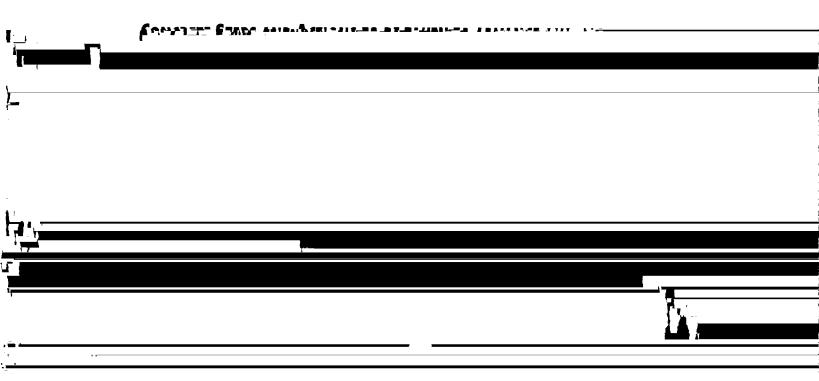
	Mr Chairman,	Heads of Governm	nent, Honourable N	Ministers of Gove	ernment and	
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	Caribbean brothers, who share a common heritage, space and future, suggests that we
	expect to follow the example of our CARICOM and OECS Brothers.
	Over the past 10 years, there has been a maturing of the relationship between the United
	Kingdom and its Overseas Territories, with successive policy papers promoting
	magningful northogoding hased on the principles of democratic "Errodom Equity and
	meaningful partnerships based on the principles of democracy:- "Freedom, Equity and
	Justice. linked to good governance and accountability and the right to self
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	determination."

The events in the Turks and Caicos Islands have highlighted the insecurity of our

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- ·	retention of the undemocratic personal veto of the Governor and Secretary of State.
	The responsibility for security and justice is critical to the advancement of self determination. Good governance must come from within. The rule of law is indispensable, and for us the protection and support of our security and justice personnel is sacrosanct. Territories must be assisted in absorbing this responsibility.
	The change in global systems of governance and trade makes it imperative for small
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So what are the concrete steps to be taken? Our recommendation at the last meeting was that the UN finds some means of enforcing all of its articles in a meaningful way and beyond that, the remaining colonies are given the option of removing themselves from their administering power and place themselves under the care of a United Nations body until such as time as they can enter the family of nations as a full-self governing state. Not much has happened since then.		
		that the UN finds some means of enforcing all of its articles in a meaningful way and beyond that, the remaining colonies are given the option of removing themselves from their administering power and place themselves under the care of a United Nations body until such as time as they can enter the family of nations as a full-self governing state.
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PROCESS OF DECOLONIZATION OF THE NON-SELF-GOVERNING TERRITORIES THE MONTSERRAT CASE

Paper presented by
Hon Claude E S Hogan, Pol Sci(Law) BA(Hons) MA(Lon)
Deputy Chair
Education & Advisory Committee
c/o Office of the Chief Minister
Government of Montserrat

at the United Nations Caribbean Regional Seminar on the

INTRODUCTORY REMARKS

On behalf the Government of Montserrat, I wish to thank the Committee for this (ahlipatory) to advance and make real the process for non-self-governing countries and peoples

Concrete Steps and Actions to be taken to advance and complete the Process of Decolonization of the Non-Self-Governing Territories: THE MONTSERRAT CASE

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	This caused unemployment as well as flight of skills. About 6,500 or 62% of the population left,
	producing a large Diaspora, part permanent or semi-permanent, part fluid. Whereas prior periods
	of emigration brought revenue through financial remittances to Montserrat, today we see the
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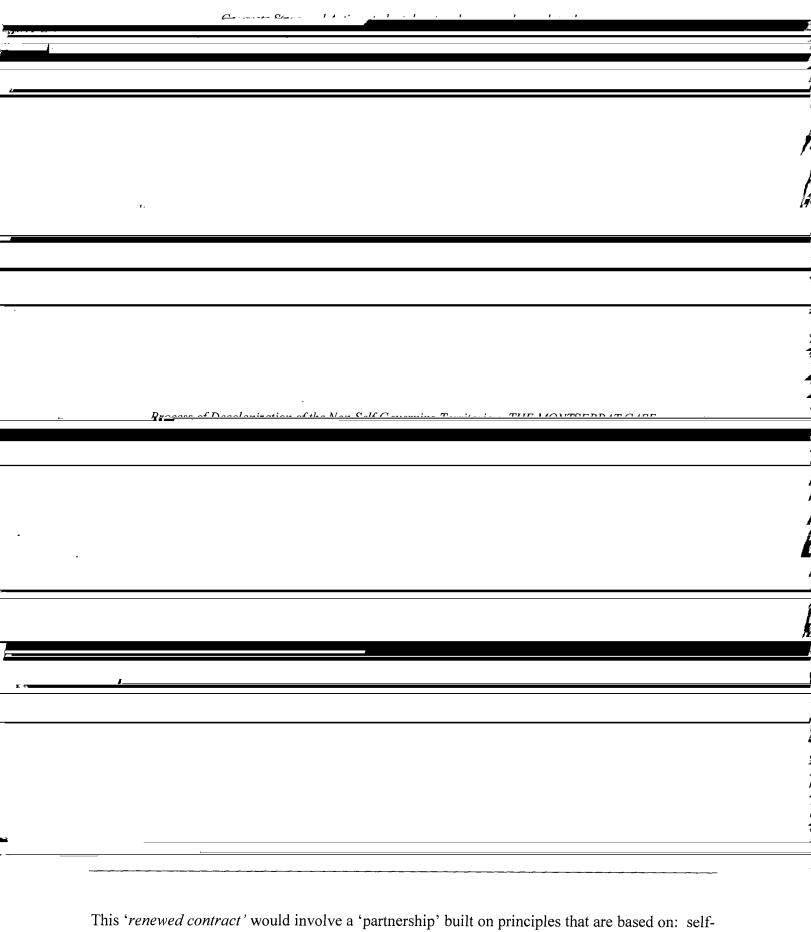
government's response to this unsatisfactory state of affairs. No one has much to rejoice about in this episode. The British came over as excessively and unnecessarily authoritarian. Blinkered by personal prejudice and partisan interests many Montserratians failed to appreciate and respond appropriately to the larger implications of constitutional downgrading."

CONSTITUTIONAL REVIEW:

WHY IS THE MONTSERRAT CONSTITUTION BEING REFORMED?

In 1996, Secretary of State, Malcolm Rifkind sent a letter dated December 17th to the UK's five Caribbean dependent territories to clarify HMG's policy towards them, foreshadowing the UK's 1999 White Paper, *Partnership for Progress and Prosperity*. He warned that "in future, continued dependence may, in some cases, require that there should be an extension of

This is because experience has shown that over the years constitutional advance, particularly in



determination; mutual obligations and responsibilities; freedom for the territories to run their own affairs to the greatest degree possible; and a firm commitment from the UK to help the territories develop economically and to assist them in emergencies.

and agreement will give more autonomy to the people of this country to be able, more so, to run their own affairs and hopefully, with God's blessing, in the future, our entire affairs as a nation. We are hoping that out of this meeting that we can have proper understanding and that all our rights and privileges will be respected, those things that we are asking to change would be given serious consideration. And we hope that we will have a very good meeting and at the end of it the state of the s

Power of Government to Borrow or Lend

The draft added a provision requiring government to obtain prior approval of a UK Secretary of state before we can borrow or raise or loan. This was added in view of the need for Montserrat to agree and comply with borrowing guidelines issued by the UK government.

	There is no comparable section in the constitutions of Gibraltar, BVI, or Bermuda and the	
	Montserrat side wanted this section removed because it doesn't belong in a constitution. The	
	ganatitution is not remitten for today or for our comment sixon and the section 41 - LIV	
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shouldn't limit our ability to borrow because we are presently in an unfortunate position.

Budgetary Support

The Montserrat side proposed that where Government is for any reason unable to meet the reasonable costs of providing essential public services, HMG shall provide budgetary support to GoM as provided by law or by any other written agreement between both parties.

Bublic Commission

The concept of a National Advisory Council supports our Constitutional Commissioners' position that modernisation combined with partnership must allow for positive innovation and creativity even it means a reduction in the Governor's powers. It is important that checks and balances are in place to protect citizens from abuse through political power but modernisation mijet allow for notitical arouth and maturity locally Dut the Covernor's tracewood' november

external affairs, control is given to local government for matters with direct bearing on social and economic development but adding a proviso which allows HMG to retain responsibility for matters pertaining to war and peace.

	matters pertaining to war and peace.
	The current draft requires the Covernor to delegate regional effeirs to a Minister or towers
	Table 1 and
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	and conditions that include: requiring separate authority for the negotiation and conclusion of any
	treaty or international agreement memorandum of understanding political declaration in the filed
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	and that GoM axalarae the acceptability of a "Dress Acceptation" relationship with the TIV To	
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<u>:</u>	accord with the Commission's recommendations, the Montserrat side presented these proposals. Round after round, the UK side has told us that our present constitution is just like that of a territory in 'free association' with the UK. In fact, at an open forum held on May 10, 2007 for FCO to meet with representatives of NGOs and others, the FCO team leader said: "Of course, if	
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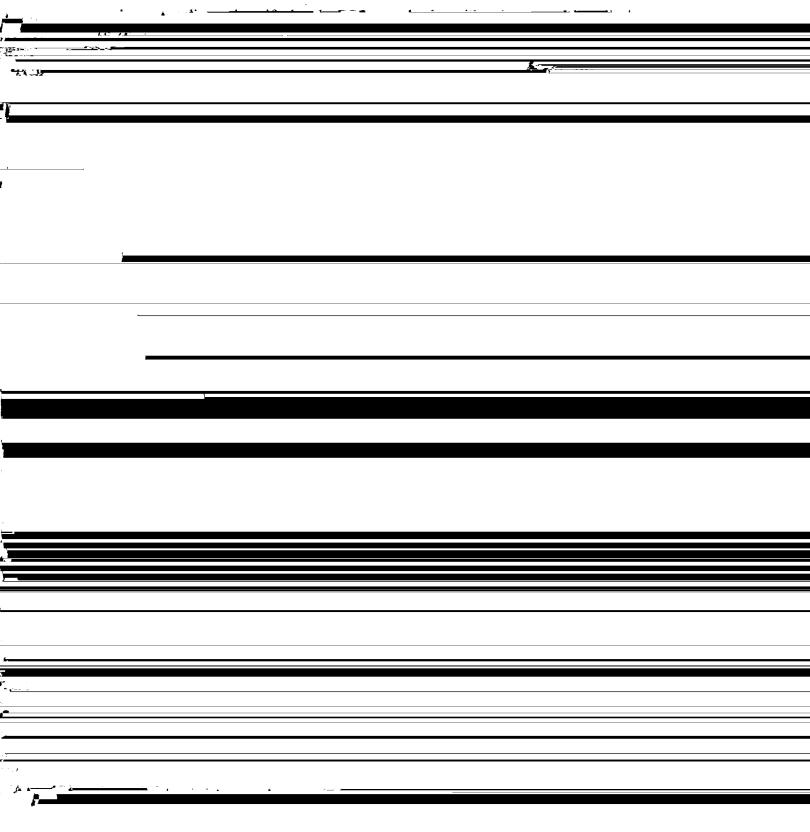
responsible for the governance of Montserrat and has the right to have the final say. We accept this. But when we ask for provisions similar to those contained in Bermuda's more advanced constitution, we are told we can't have them. We also maintain that Article 73 of the United Nations Charter obliges the United Kingdom, as the administering power for Montserrat, to act in full accordance with all its provisions but we are particularly concerned with subsection (d): To promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article.

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	The UK side claims that one of the foundations of our renewed nartnershin for progress
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	and prosperity is self-determination and we support that wholeheartedly. We also agree with the
	following observations made by our Constitutional Commissioners:
	While modernization connotes greater democratization and consequently greater local control
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easily revoke the constitution at any time or the UK could impose direct rule as they considered doing in 1996.

Only the UK has a right to grant us a new constitution and since we can't seem to agree



	Concrete Steps and Actions to be taken to advance and complete the
	Propose of Pagalouination of the Now Solf Consuming Tourisming THE MONTERD AT CASE
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	very misleading. Many depressed Montserratians do not feel the effectiveness of this aid,
	explaining why politicians have been critical of the delivery mode and demanding more. Delays
	continue for avample we are in dire need of haveing and funds were approved since Marianhon
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In a recent press statement to mark the announcement of the retirement of Prime Minister

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and the United Kingdom:-

"There has been a sense of equity and mutual respect, with his Ministers showing willingness to divest authority to local political leaders, once their governments have the capacity and the systems in place to ensure good governance and modern democratic practices. This is consistent with a recognition that citizens of Overseas Territories and former British colonies have held, and continue to hold senior positions in the armed forces, as well as in civil, academic and political institutions."

We close with the words of one of our most esteemed scholars: "Montserrat's history is of a people who have demonstrated incredible courage in the face of unprecedented disasters. It does not disguise the resultant physical and the continuing burden of a tedious development, dogged by a belittling dependency. But the island is not without high achievers in arts, industry, political life and civic generosity. These give grounds for hope."