

21st century decolonization at the UN

Criticism and UN actions compared in the case of Tokelau



Master thesis International Relations – International Studies

Name: Liza Twelker

Student number: S1579746

Supervisor: Dr. A.M. O'Malley

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2. Introduction

Since the establishment of the UN, 80 former colonies have gained independence. However, in recent years, there have been a lot of different views on the current role of the UN in the decolonization process. The criticism mainly addresses the Special Committee on Decolonization, but there is also criticism on the working of the UN in general. There are three types of criticism. The first is the fact that the decolonization process is out-dated, because the Special Committee has to stick to a mandate created in 1960, when there was still a lot of colonialism. The notion is that the colonies that are left can not be treated the same. The second is the fact that there is a one-size-fits all approach to decolonization. This means that there are only three options in which the remaining non self-governing territories can be removed from the list. The third criticism on the decolonization process at the UN holds that Western interests are still seen as the most important and the non self-governing territories are decolonized according to a Western model.¹ This criticism comes mainly from scholars, but also from member states and UN officials.² Because of the fact that the criticism is so widespread and comes also from member states, the UN should do something with it. The criticism has risen in recent years because of the stagnation of the decolonization process. The stagnation occurred although there were special Decades for the Eradication of Colonialism, and these were thus seen as failed.³

This research examines to what extent the UN, and the Special Committee on Decolonization in particular, has handled the criticism on role of the UN in the decolonization process in the past ten years. It links the criticism with one of the remaining non self-governing territories. This has not been researched before and is important because, so far, the Decades for the Eradication of Colonialism haven't achieved anything with regard to self-government for the remaining non self-governing territories and the final goal of the UN is to eradicate colonialism. This research is a case study, because by focusing on one non self-governing territory it will be clearer whether the UN has done anything with regard to the criticism. The case study is Tokelau, which is a small island territory of which New Zealand is the administering country. Tokelau is a non self-governing territory that did not face any internal problems. It is therefore very useful for this research, because then the main focus can

¹ Oliver Turner, "‘Finishing the Job’: the UN Special Committee on Decolonization and the politics of self-governance," *Third World Quarterly* 34, no. 7 (2013): 1193

² "Ban calls for fresh ideas to advance decolonization as UN begins annual session," UN, Last modified 21 February 2013, <http://www.un.org/apps/news/story.asp?NewsID=44193#.VP4VbkJXJyY>

³ John A. Quintero, "The Legitimacy of the EU-OCT Association," *EUIJ paper* (2013): 8

be on the working of the UN. My main question is: *How has the UN, and in particular the Special Committee on Decolonization, handled the criticism on the eradication of colonialism in the past ten years in Tokelau?*

Initial decolonization at the UN

From the moment the UN was established in 1945, it became involved in decolonization and, after its establishment, it quickly turned into a key forum for anti-colonialism. The Charter established, in Chapter XI, the principles that still guide the UN decolonization efforts whereby the most important concept is self-determination for all people.⁴ However, the Charter also shows the hierarchy of the Western powers over the rest of the world, because most states involved in the construction of the Charter were colonial powers.⁵ This hierarchy, on the one hand, became clear in the trusteeship system where the colonial powers had to guide the dependent territories to prepare them for political independence. On the other hand, this hierarchy became clear in the relationship between the administering countries and the so-called non self-governing territories. There was no clear decolonization plan for these non self-governing territories and the rights of the administering countries were more important than the rights of the non self-governing territories.⁶

During the 1950s, the emergence of Afro-Asia caused more anti-colonial resistance. Especially different Afro-Asia conferences were important in this context. Burke, for example, mentions the importance of the Bandung conference (1955) and states that this was one of the most significant events in the emergence of an independent Third World.⁷ At the Bandung conference the leading anti-colonial politicians all came together. Politicians, like Zhou Enlai, Gamal Abdel Nasser, Jawaharlal Nehru, and Sukarno, became iconic figures in many states, because ‘they delivered passionate speeches castigating imperialists and rhapsodizing about hurricanes of national awakening sweeping the Third World.’⁸ Thus, according to Mazower, even though the Western powers had established the UN, ‘Third

⁴ “History of decolonization,” United Nations, <http://www.un.org/en/decolonization/history.shtml>

⁵ Vrushali Patil, *Negotiating Decolonization in the United Nations: Politics of Space, Identity, and International Community* (New York: Routledge, 2008), 42

⁶ *Ibid.*, 44-45

⁷ Roland Burke, “The Compelling Dialogue of Freedom: Human Rights at the Bandung Conference,” *Human Rights Quarterly* 28, no. 4 (2006): 948

⁸ Ross Marlay and Clark Neher, *Partriots and tyrants* (Lanham: Rowman & Littlefield, 1999), 230

World nationalists took its Universalist rhetoric at face value, exploited its mechanisms, and fostered international public opposition to continued colonial rule.’⁹

In the years that followed, more and more ex-colonies became independent and became members of the UN. Between the establishment of the UN in 1945 and the end of the first wave of decolonization in 1963, the UN grew from 51 to 114 members. In 1961, only six countries from Asia and Africa were members of the UN. Two decades later, more than half of the UNs memberships were from these two continents. According to Weiss, as a result of this, ‘these new members demanded a better reflection of their numbers and priorities in the Security Council and throughout the UN system.’¹⁰ However, these positive events were proved not to last in the years that followed.

Stagnating decolonization at the UN

Since the establishment of the UN, 80 former colonies have gained independence, including the eleven trust territories.¹¹ However, the decolonization process for the remaining non self-governing territories is stagnating. In 2002 it was the last time a non self-governing territory gained self-government and in 2013 the UN even added French Polynesia to the list of non self-governing territories.¹² However, the final goal of the UN is to eliminate all forms of colonialism, which includes the non self-governing territories. The Special Committee for Decolonization is seen as the responsible committee to do this.

Currently there are seventeen non self-governing territories on the UN list. The most contested ones are Gibraltar and Western Sahara, but the majority of them are small islands in de Atlantic, Caribbean and Asia Pacific.¹³ In the initial stage of the UN, decolonization was less problematic because there were many places and people involved. Nowadays, colonialism is no longer considered as a global concern. As a result of this, decolonization slips further down the list of UN priorities.¹⁴ Since 1990, the UN has introduced International Decades for the Eradication of Colonialism. The period 1990-2000 was the First International

⁹ Mark Mazower, *No Enchanted Palace, The End of Empire and the Ideological Origins of the United Nations* (Princeton University Press, Princeton, 2009), 188

¹⁰ Thomas G. Weiss, ‘The illusion of UN security council reform’, *The Washington Quarterly* 26, no. 4 (2003): 149

¹¹ “Decolonization,” United Nations, <http://www.un.org/en/globalissues/decolonization/>

¹² “Trust and non self-governing territories (1945-1999),” United Nations, <http://www.un.org/en/decolonization/nonselgov.shtml>

¹³ “What the UN can do to assist non self-governing territories,” United Nations, Last modified March 2007, <http://www.un.org/en/events/nonselgoverning/pdf/What%20the%20UN%20can%20do.pdf>

¹⁴ Oliver Turner, “‘Finishing the Job’: the UN Special Committee on Decolonization and the politics of self-governance,” *Third World Quarterly* 34, no. 7 (2013): 1197

Decade for the Eradication of Colonialism and the plan was to establish self-government for all the remaining non self-governing territories. However, there were hardly any achievements and we now reside in the Third Decade for the Eradication of Colonialism. This Third Decade for the Eradication of Colonialism draws upon the Plan of Action made before the start of the First Decade for the Eradication of Colonialism. The Special Committee has to cooperate with administering countries and non self-governing territories and to make plans for self-government.¹⁵ However, in the last ten years no clear developments have been made with regard to the self-government of these territories and the UN has received much criticism on this topic.

¹⁵ General Assembly resolution 65/119, Third International Decade for the Eradication of Colonialism, A/RES/65/119 (20 January 2011), undocs.org/A/RES/65/119.

3. Theoretical framework

The theory that is used in this research is postcolonial theory. Postcolonial theory can provide meaningful insights in the role of the UN in the decolonization process and can be linked to the subject of this thesis. Especially because of the concern of postcolonial theorists for exposing the exploitive legacy of the international community, postcolonial theory can offer useful insights to the Special Committee on Decolonization to revisit its mandate. The three types of criticism mentioned in the introduction could all be linked to postcolonialism, because they all relate to the mandate, which is created by Western powers. Thus, the notion of the West that it is still superior to the South is recognized by the critics as well as by postcolonial theory.

Postcolonialism

It is useful to give a general introduction on the theory of postcolonialism. There are many different understandings and definitions of postcolonialism, but there are some common features that can be distinguished. Postcolonialism can be seen as a critical theory of international relations and is, in general, ‘a body of writing that attempts to shift the dominant ways in which relations between Western and non-Western people and their world are viewed forcing its alternative knowledge’s into the power structures of the West as well as the non-West’.¹⁶ According to Loomba, we do not have to think of postcolonialism as something that comes after colonialism. We have to think of it as the contestation of colonial domination and the legacies of the colonial relations that are still in order today.¹⁷ The way people think of the world is developed in Europe and, through colonialism, transferred to the rest of the world.¹⁸ Patil uses the word ‘embodiment politics’ to describe this.¹⁹ The distinction between the disembodied and the embodied are central to the understanding of the world. She states that ‘as a device of power relations, embodiment politics figures only some as the embodied, irrational objects of control, while others became disembodied, rational subjects of control’.²⁰ One of the theorists explaining this dichotomy is Edward Said, who calls this concept

¹⁶ Robert, J.C. Young, *Postcolonialism: A Very Short Introduction* (Oxford: Oxford University Press, 2003), 2

¹⁷ Ania Loomba, *Colonialism/Postcolonialism* (Abingdon: Routledge, 2005), 21

¹⁸ Joanne Sharp, *Geographies of Postcolonialism: Space of power and representation* (New Delhi: Sage, 2009), 110

¹⁹ Vrushali Patil, *Negotiating Decolonization in the United Nations: Politics of Space, Identity, and International Community* (New York: Routledge, 2008), 15

²⁰ *Ibid.*, 30

orientalism.²¹ According to Said, orientalism can be described as ‘a Western style for dominating, restructuring, and having authority over the Orient.’²² Especially the dichotomy that was created by the ‘West’ of the ‘East’ through different writings as the ‘East’ as the ‘Other’ is described by Said in *Orientalism*. Thus, postcolonialism can, in general, be seen as the Western domination that started during the colonial times and is still in order today.

Postcolonialism and international order

In recent years, the UN has attracted much criticism that is postcolonial in nature. The general postcolonial critique on the UN is very important for the role of the UN in the decolonization process, because the most important characteristic of colonization is the superiority of the West over the South. According to the critical scholars and member states, the UN is still the embodiment of those power relations. Furthermore, many postcolonial theorists state that international order as a whole is still based upon the notion that the West is superior to the South. Postcolonial theorists state that Eurocentric perspectives, norms, and values remain hegemonic in global politics as well as the development of concepts such as international order, international morality and international law.²³ Grovogui states that European scholars highlight the terms and stereotypes that were produced during colonial times and contemporary policymaking is still highly influenced by these terms and stereotypes.²⁴

This happened especially in the development of international law. Koskenniemi describes that ‘European stories, myths, and metaphors not only set the conditions of our understanding of international law’s past, they also inform international laws’ future and define the contours of the current political economy.’²⁵ In the evolution of international law, European developed words as progress, modernity, sovereignty, self-determination and civilization became the keywords of international order. This European ethos comes back many times, because these are the fundamental concepts of international law.²⁶ According to the postcolonial theorists, this is because they do what is best for the Western states. Dichotomies, which are described by Said, are still very much in operation today. According to Eslava and Pahuja, ‘these dichotomies are reflected in current use of dualities as

²¹ Edward W. Said, *Orientalism* (London: Penguin, 2003)

²² *Ibid.*, 20

²³ Siba, N. Grovogui, Postcolonialism, in *International Relations Theories: Discipline and Diversity*, ed. Tim Dunne et al. (Oxford: Oxford University Press, 2007), 256

²⁴ *ibid.*, 256

²⁵ Martti, A. Koskenniemi, “The Politics of International Law – 20 Years After,” *European Journal of International Law* 20, no. 1 (2009): 7

²⁶ *ibid.*, 196

developed/developing, centre/periphery, advanced/emerging, and rich/poor.’²⁷ Thus, postcolonial theory states that the international order and international organizations are developed around Western interests, because they use Western concepts and it is Western states that are most powerful in international organizations.

²⁷ Luis Eslava and Sundhya Pahuja, Beyond the (Post)Colonial: TWAIL and the Everyday Life of International Law, *Journal of Law and Politics in Africa, Asia and Latin America* 45, no. 2 (2012): 196

4. Methodology

This thesis takes a qualitative research approach. It uses mostly in-depth qualitative data. It is important to see why the UN has still not been able to eradicate colonialism, although this has been its goal since it was founded. The non self-governing territories that are left still have to be removed from the list, and this is why these territories are so interesting. Hereby it is very important to see what the criticism on the role of the UN in the decolonization process of the non self-governing territories is and how the UN has handled this criticism. This thesis uses a deductive approach, which means that the theory is the basis for this paper. This thesis is a case study, which is a detailed and intensive analysis of a certain case and this will be the most effective in doing research with a subject this broad. It is, in this thesis, not achievable to use all seventeen cases. The case study in this paper is Tokelau, which is one of the seventeen non self-governing territories recognized by the UN. Tokelau has been chosen as the case, because it has no internal struggles or struggles with the administering country, which is the case with many other non self-governing territories. This ensures that the focus can be on the UN, without having to focus on other struggles that other non self-governing territories have to deal with. Secondly, Tokelau has had quite remarkable events going on with the two referenda that were held in 2006 and 2007 and has thus been discussed many times in the UN. Thirdly, fifteen of the remaining non self-governing territories are small islands in the Atlantic, Caribbean and Asia Pacific. Tokelau as case study is thus a good representation for almost all other non self-governing territories.

This thesis uses different primary sources. The most important primary sources are press releases of the UN and meetings on decolonization of the Special Committee on Decolonization and the GA. These press releases contain information on resolutions by the GA, statements by the members of the Special Committee, general information on the non self-governing territories and other developments of the UN on non self-governing territories. These are thus most important, because they contain all the information that is needed to know what actions the UN took on Tokelau in the last ten years. For the extra information that is needed this paper uses resolutions from the GA on Tokelau and reports from the visiting missions during the referendums in Tokelau. All these documents are provided by the UN on their website. These documents are most useful to answer the research question, because they describe the actions and decisions made by the UN with regard to Tokelau and other non self-governing territories in general. In the documents, the UN does not exactly describe how they

have handled the criticism but one can analyse these documents and see how they have handed the criticism by the actions they took in the last ten years.

The research is based on a content analysis of all these documents, against the background of a literature review. By doing a qualitative content analysis, this thesis can identify how the UN has handled the criticism on the decolonization process between 2005 and 2014. For the literature review, this thesis mainly uses articles that contain criticism on the decolonization process of the UN and the Special Committee on decolonization in particular and information on Tokelau in general.

This thesis will not be able to give firm conclusions, because this research is not extended enough. Furthermore, this thesis does not deal with the ‘other forms of colonialism’, which are described in the criticism, but only focuses on the list of non self-governing territories.

5. Critical perspectives on decolonization at the UN

The Special Committee on Decolonization and the role of the UN in the decolonization process in general have long attracted criticism from different actors. This chapter will give an overview of the main criticisms on the role of the UN in the decolonization process of the remaining non self-governing territories.

Decolonization process as out-dated

A 21st century approach

The main criticism from scholars and UN related actors is that the Special Committee on Decolonization is out-dated and needs a 21st century approach for the remaining non self-governing territories. The Special Committees' understanding of colonialism is, according to scholars, not in line with 21st century thinking.²⁸ The main problem is that the Special Committee relies upon understandings of colonialism, which are outmoded, because they have to stick to a mandate created in 1960 when the process of decolonization was at the beginning.

Authors state that there are non self-governing territories that can be removed from the list, because there is no colonial relationship with the administering country any more. An example of this is Gibraltar.²⁹ However, the UN did not remove Gibraltar from the UN list because Gibraltar did not meet one of the prescribed models of governance. The Chief Minister of Gibraltar said in 2008 in a meeting of the Special Committee that 'his people had been a victim of the Special Committee on Decolonization as it presided like a fundamental watchdog over inflexible and out-dated criteria.'³⁰ Britain especially considers the Special Committee and its list of non-self governing territories to be outdated. This shows that there are also member states within the UN who think the Special Committee is outdated. The representatives from states who are not administering powers express their concerns in that 'decolonization continues to slip further down on the list of United Nations priorities [...] and thus abandoning the people of the Territories seem to be the norm'.³¹

Another kind of criticism is that some countries do not want to be decolonized. Baldacchino states that 'the passionate yearning for freedom in all dependent peoples—

²⁸ Oliver Turner, "Finishing the Job: The UN Special Committee on Decolonization and the politics of self-governance." *Third World Quarterly* 34, no. 7 (2013): 1194

²⁹ Peter Gold, "Gibraltar and the United Nations: Caught between a treaty, the Charter and the Fundamentalism of the Special Committee." *Diplomacy and Statecraft* 20, no. 4 (2009): 710

³⁰ *Ibid*, 709

³¹ John A. Quintero, "The Legitimacy of the EU-OCT Association," *EUIJ paper* (2013): 8

recognized by the United Nations, in the heyday of decolonization, and implied by Resolution 1514 (XV) of December 1965—is, in most cases, just not there.’³² He thus states that most of the remaining non self-governing territories and especially islands do not want independence. Furthermore, Hoefte and Oostindie state in their article that pushing these island territories towards independence is a colonial act.³³ Both authors use the term ‘upside down decolonization’, which means that ‘territories want to be in protracted and extended colonial relationships rather than aspiring full independence.’³⁴ Thus the main criticism from different actors is that the rules applied by the UN for decolonization are outdated and not suited for the remaining non self-governing territories.

A case-by-case approach

Another criticism holds that the UN needs a case-by-case approach for the remaining non self-governing territories. Turner, for example, states that the Special Committee has a ‘one size fits all’ approach to decolonization, that does not work any more because there are very little non self-governing territories to be decolonized which are all very specific cases. He states that ‘in doing so it has established a singular ideology as authoritative fact before granting the opportunity for debate. Because the aim is to ensure that the political status of every territory on its list conforms to one of the three prescribed models of governance.’³⁵ Those three prescribed forms of governance are described in Resolution 1541. According to this resolution, ‘a non self-governing territory can be said to have reached full measure of self-government only by:

- a) Emergence as a sovereign independent state,
- b) Free association with an independent state, or
- c) Integration with an independent state’³⁶

Beyond these three prescribed forms there are a lot of vague terms. The Declaration on the Granting of Independence to Colonial Countries and Peoples states that colonialism has to be

³² Godfrey Baldacchino, “Upside Down Decolonization” in *Subnational Island Jurisdictions: Questioning the “Post” in Postcolonialism*, *Space and Culture* 13, no. 2 (2010): 189

³³ Rosemarijn Hoefte and Gert Oostindie, “Upside-down decolonization,” *Hemisphere* 1, no. 2 (1989): 29

³⁴ Godfrey Baldacchino, “Upside Down Decolonization” in *Subnational Island Jurisdictions: Questioning the “Post” in Postcolonialism*, *Space and Culture* 13, no. 2 (2010): 188

³⁵ Oliver Turner, “Finishing the Job: The UN Special Committee on Decolonization and the politics of self-governance,” *Third World Quarterly* 34, no. 7 (2013): 1204

³⁶ General Assembly resolution 1541 (XV), *Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter*, A/RES/1541(XV) (15 December 1960), [undocs.org/A/RES/1541\(XV\)](https://undocs.org/A/RES/1541(XV))

eradicated without explaining what colonialism is. The term self-determination is also very important, but the meaning of self-determination is not explained.³⁷

Criticism from member states and UN officials consist of the fact that there is a need for a case-by-case approach for the remaining non self-governing territories. Especially Secretary-General Ban Ki Moon has often stated this in his speech addressing the Special Committee. According to Ban Ki Moon, ‘on a case-by-case basis, those territories have to be given the opportunity to exercise their right to self-determination.’³⁸ In 2013 Ban Ki Moon was even more specific and stated that ‘as the intergovernmental body exclusively devoted to decolonization, the Special Committee is expected to devise fresh and creative approaches to mobilize the political will to advance its agenda.’³⁹ There are many other accounts where member states called for a more focused approach, which include member states that are administering countries themselves such as Great Britain, and member states that are members of the Special Committee and have experiences with colonialism themselves such as Ecuador and Peru.⁴⁰ Thus, according to many, there is a need for a case-by-case approach, because a one-size-fits-all approach will not bring colonialism to an end.

Western domination

Another important critique is the critique that the West is still deciding everything at the expense of other countries. The main critique with regard to the Special Committee on Decolonization is that the Special committees’ understanding of colonialism is not comprehensive enough. According to Turner, today, forms of colonial domination are widespread and ‘often persist in alternative guises long after official independence, making the Special Committees’ goal of universal decolonization in many ways misdirected and even potentially harmful.’⁴¹ Colonial practice is seen as more than physical occupation. ‘Although these forms of domination are the easiest to see’, explain Grinker et al, ‘they sometimes mask

³⁷ General Assembly resolution 1514 (XV), *Declaration on the Granting of Independence to Colonial Countries and Peoples*, A/RES/1514(XV) (14 December 1960), [undocs.org/A/RES/1514\(XV\)](http://undocs.org/A/RES/1514(XV)).

³⁸ United Nations, *Department of Public information, Caribbean Regional Seminar Wraps Up Meeting amid Renewed Vigour to Fulfil Aim of United Nations Special Committee on Decolonization*. GA/COL/3222, 3 June 3, 2011, <http://www.un.org/press/en/2011/gacol3222.doc.htm>

³⁹ “Ban calls for fresh ideas to advance decolonization as UN begins annual session.” United Nations. Last modified 21 February, 2013.

<http://www.un.org/apps/news/story.asp?NewsID=44193#.VP4VbkJXJyY>

⁴⁰ United Nations, *Department of Public Information, With Possibility Looming of Another ‘Lost Decade’ for Decolonization Process, Speakers in Fourth Committee Press for Concrete Actions to End Colonialism*. GA/SPD/481, 6 October 2011, <http://www.un.org/press/en/2011/gaspd481.doc.htm>

⁴¹ Oliver Turner, “Finishing the Job: The UN Special Committee on Decolonization and the politics of self-governance.” *Third World Quarterly* 34, no. 7 (2013): 1194

other forms of domination, exploitation and oppression that are subtle, even elusive, and pernicious'.⁴² The Special Committees' list of non self-governing territories has never told the full story of colonialism. Describing this, the concept of self-determination becomes also very important and especially the criticism on it. It is described by Weiler as a 'legitimizing myth' for the international system and a 'trap' for those seeking to free themselves from oppression and exploitation.'⁴³ In 1960, the United Nations General Assembly declared that 'all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.'⁴⁴

Wesley-Smith states that the most important factor in determining the future of a non self-governing territory still is the interest of the administering country.⁴⁵ His research is about decolonization in Oceania and he concludes that the restrictions of the UN and the continuing dominance of the administering powers has led the decolonization in Oceania to be unfair. The norms that guided initial decolonization at the UN were western models of development and the process of decolonization was dependent upon Western style institutions as the UN, which was created by Western powers, supervised it. They were also the ones that guided these decolonized countries towards a Western system. Grovogui states that 'international law was to provide structure by which the heterogeneous movement for decolonization could be smoothed into a coherent story and be contained within the broader framework set by Western interests. In the international instance, postcolonialism is mindful of the failure of hegemonic powers to integrate post-colonial states into the decision-making processes of the international system.'⁴⁶ Furthermore as Kelly and Kaplan put it, the former colonies entered 'a new world order already tooled for purposes at best different than the aims of the anti-colonial movement, and at times clearly obstructive of them'.⁴⁷ Thus, the decolonization process at the UN can be seen as the continuing dominance of the West.

⁴² Roy, R. Grinker et al., *Perspectives on Africa: A Reader in Culture, History and Representation* (Chichester: Wiley-Blackwell, 2010): 427

⁴³ Marc Weiler, "The self-determination trap." *Ethnopolitics* 4, no. 1 (2005): 3

⁴⁴ General Assembly resolution 1514 (XV), *Declaration on the Granting of Independence to Colonial Countries and Peoples*, A/RES/1514(XV) (14 December 1960), [undocs.org/A/RES/1514\(XV\)](https://undocs.org/A/RES/1514(XV)).

⁴⁵ Terence Wesley-Smith, "Self-determination in Oceania," *Race & Class* 48, no. (2007): 33

⁴⁶ Siba, N. Grovogui, Postcolonialism, in *International Relations Theories: Discipline and Diversity*, ed. Timme Dunne et al. (Oxford: Oxford University Press, 2007), 256

⁴⁷ John D. Kelly and Martha Kaplan. "My ambition is much greater than independence: US power, the UN world and the nation-state and their critics" in *Decolonization: perspectives from now and then*, ed. Prasenjit Duara (London: Routledge, 2004): 141

6. The case: Tokelau

This chapter provides general information on Tokelau and the actions of the UN with regard to Tokelau.

General information

Tokelau is a territory that consists of three coral atolls in the South Pacific, which are called Atafu, Nukunonu and Fakaofu. It has a land area of only a little over twelve square kilometres and a population of approximately 1500 people.⁴⁸ It has no capital, no harbours and no airstrips. The closest territory is Samoa, which is more than a day travelling by boat. Many inhabitants state that ‘the group is too small, and still too poor, too dependent and lacking in the skills essential for managing national and international affairs satisfactorily.’⁴⁹

Figure 1: Map of Tokelau



Tokelau is one of the seventeen non self-governing territories recognized by the UN and the second smallest territory on list. The administering country of Tokelau is New Zealand, which is also the administering country of the Cook Islands and Niue. However, the Cook Islands and Niue are already in free association with New Zealand and not on the UN list any more. Tokelau is part of New Zealand since 1926, administered under the Tokelau Act in 1948. In 1949, Tokelauans became official citizens of New Zealand, which meant that they were free to move there if they wanted to do so.⁵⁰ The development of Tokelau has not been very remarkable and for the most part non-interventionist.

The Tokelau Act states that the General Fono is allowed to make rules that bring peace, order and good governance and provides social ordering at the local level.⁵¹ However, the government of New Zealand is still the highest power in Tokelau and the rules made by the General Fono can never override the government of New Zealand.⁵² The General Fono consists of an elected major from each atoll and one additional representative from each

⁴⁸ “Tokelau profile - overview”, bbc, last modified February 25 2015, <http://www.bbc.com/news/world-asia-16962868>

⁴⁹ Anthony Hooper, “Tokelau,” *The journal of pacific history*, 43, no 3 (2008), 332

⁵⁰ Anthony, H. Angelo, “The constitution of Tokelau.” *Revue Juridique Polynésienne* 15 (2009): 183

⁵¹ *ibid.*, 188

⁵² *ibid.*, 189

village for every 100 inhabitants. Governance in practice revolves around the three atolls. In 2006 the council of each atoll was given formal authority to govern their own affairs.⁵³ A representative, a major and an elected council govern each atoll. For the issues of national importance the General Fono is still responsible. The people of Tokelau generally see the government of New Zealand as ‘a benevolent provider, caring for, looking after and protecting them.’⁵⁴

During the years, many improvements were made in Tokelau, especially with donations from New Zealand, which provides around 80 per cent of the territories’ budget. In the initial stage of Tokelau as a non self-governing territory, there were no plans for establishing self-government, because it was seen as too small. At first, Tokelau was given the opportunity to integrate with Western Samoa or the Cook Islands, but they refused and chose to stay with New Zealand.⁵⁵ After that, it seemed a good option to transport the entire population to New Zealand, which did not work either. In the years that followed, there were still no plans for self-government. In 1994 this changed when there was a UN visiting mission in Tokelau, where the UN representatives were given a ‘Declaration on the Future Status of Tokelau’, which made clear that Tokelau was looking for self-determination. In 2000 they declared their intention toward self-government in free association with New Zealand.⁵⁶ In 2006 and 2007 two referendums were held on this item, which will be discussed in the next chapter. Thus, Tokelau is a non self-governing territory with no internal struggles, a lot of autonomy and has a very good cooperation with their administering country.

The UN on Tokelau

This chapter discusses the statements and actions of the UN with regard to Tokelau. The case of Tokelau has been discussed in the UN at least once a year since 2005 in the General Assembly (GA) and many times during meetings of the Special Committee on Decolonization.

⁵³ Tony Angelo “Tokelau” in *Pacific Ways: Government and Politics in the Pacific Islands*, ed. Stephen Levine (Victoria University Press, New Zealand, 2009) 221.

⁵⁴ Judith Huntsman, *The future of Tokelau. Decolonisation agendas, 1975-2006*. (Auckland University Press: Auckland, 2007), 166

⁵⁵ *ibid.*, 49

⁵⁶ *ibid.*, 215

Table 1: The UN on Tokelau⁵⁷

Year	Tokelau	Other NSGTs	General	Total
2005	1	9	8	18
2006	3	8	15	26
2007	4	5	7	16
2008	1	4	11	16
2009	1	4	11	16
2010	0	4	12	16
2011	1	3	9	13
2012	1	2	13	16
2013	0	9	5	14
2014	1	5	9	15

Two referendums

In the years 2005-2008, the case of Tokelau has been discussed more often in the Special Committee and the GA, because of the two referendums in 2006 and 2007. During their discussions on Tokelau, a statement was always made on the notion that Tokelau is seen as the perfect example of cooperation and political will between Tokelau and their administering country, New Zealand.⁵⁸ A representative of Cuba, for example, stated that ‘Tokelau’s example should be repeated in the other non self-governing territories, and the other administering powers should have the courage to work in the same way as New Zealand and with the same sincerity.’⁵⁹

From 11 to 15 February 2006, the first referendum in Tokelau took place, approved by the GA.⁶⁰ The proposal was self-government in free association with New Zealand and two-third of the votes had to be in favour. Before the first referendum, it became clear that the Special Committee and the GA assumed that the referendum would pass. They really hoped for a positive result and the members were almost predicting the outcome.⁶¹ Four members of the UN observed the referendum. This team consisted of a representative of the Special Committee, Ambassador Robert Aisi of Papua New Guinea and an official from the

⁵⁷ UN, Meeting coverage and press releases, http://www.un.org/en/decolonization/comm24_2014.asp

⁵⁸ UN, Meeting coverage and press releases, *Ways must be explored to accelerate decolonization process, special committee told*. GA/COL/3108, 17 February 2005, <http://www.un.org/press/en/2005/gacol3108.doc.htm>.

⁵⁹ UN, Meeting coverage and press releases, *Concluding 2005 session, Special Committee adopts texts to advance decolonization in remaining territories, lauds Tokelau’s progress towards self-determination*. GA/COL/3125, 24 June 2005, <http://www.un.org/press/en/2005/gacol3125.doc.htm>.

⁶⁰ GA resolution 60/116, *Question of Tokelau*, A/RES/60/116 (18 January 2006), undocs.org/A/RES/60/116.

⁶¹ Judith Huntsman, *The future of Tokelau. Decolonisation agendas, 1975-2006*. (Auckland University Press: Auckland, 2007)

Decolonization Unit of the Department of Political Affairs.⁶² The UN was thus very much involved in the referendum. Eventually, the referendum did not have the outcome the UN had hoped for; 60 per cent voted in favor of free association, which was too little for a two-third majority.⁶³ However, the Special Committee and the GA did not mention once that the referendum failed. On the contrary, the referendum was seen as a big step in a process towards self-determination. The Ambassador of Papua New Guinea stated that ‘the international community could be assured that the efforts put into the referendum process had not been a wasted opportunity, but one that could be built upon. The example of Tokelau was perfect. In the final analysis, self-determination rested with the people, not the Committee’.⁶⁴

From 20 to 24 October 2007, a second referendum was held on the same issue and was built up in the same way as the first referendum. The team consisted of the same UN representatives that were present at the referendum in 2006.⁶⁵ The second referendum was held because the General Fono of Tokelau believed that the first referendum failed because of the concerns among the Tokelauans who do not live in Tokelau. According to the Tokelauan leaders, these people were scared to lose their rights to return to Tokelau if the referendum would pass and this had a big impact on the voting pattern of the inhabitants of Tokelau.⁶⁶ Again, the referendum did not have the outcome the UN had hoped for. 64.4 per cent of the voters supported the option, which was sixteen votes too little to change Tokelau’s status.⁶⁷ In the Special Committee there was again no mention of a failure of the referendum. Ambassador Robert Aisi of Papua New Guinea stated that Tokelau could be very proud of the achievements it made and the fact that the process had taken place in a fair and transparent way.⁶⁸ Edward Wolfers, an expert on political and administrative studies, stated in a meeting

⁶² GA document, *Report of the United Nations Mission to observe a referendum on self-determination of Tokelau, February 2006*, A/AC.109/2006/20 (30 May 2006), available from undocs.org/A/AC.109/2006/20

⁶³ UN, Meeting coverage and press releases, *UN decolonization work ‘remains unfinished’, says deputy secretary-general as decolonization committee opens 2006 session*. GA/COL/3128, 23 February 2006, <http://www.un.org/press/en/2006/gacol3128.doc.htm>.

⁶⁴ *ibid.*

⁶⁵ GA document, *Report of the United Nations Mission to observe the October 2007 referendum on self-determination of Tokelau*, A/AC.109/2007/19 (3 December 2007), available from undocs.org/A/AC.109/2007/19

⁶⁶ “Tokelau leaders confident of stronger backing for next referendum on self determination,” Radio New Zealand International, last modified March 13, 2007, <http://www.radionz.co.nz/international/pacific-news/168435/tokelau-leaders-confident-of-stronger-backing-for-next-referendum-on-self-determination>

⁶⁷ UN, Meeting coverage and press releases, *Tokelau falls shy of self-government by 16 votes after four days of balloting in self-determination referendum*. GA/COL/3166, 25 October 2007, <http://www.un.org/press/en/2007/gacol3166.doc.htm>.

⁶⁸ *ibid.*

of the Special Committee that ‘indicators could help place Territories on a scale of progress towards self-determination, rather than simply declaring a particular process had “failed”.’⁶⁹ The process was thus seen as very positive, because the people of Tokelau were able to express their own views.

Other priorities

After the second referendum in 2007, the representative of Tokelau stated in a meeting of the Special Committee that a new referendum would not be held in the upcoming years.⁷⁰ The main priority would, instead of decolonization, be the strengthening of local capacity such as infrastructure development, transportation systems and strengthening Tokelau’s pillars of government. He stated that ‘any future act of self-determination would be deferred and Tokelau and New Zealand would work together in the interests of Tokelau and its people.’⁷¹ The GA approved this decision. Many members of countries in the Special Committee expressed their appreciation for the Special Committee for its work in safeguarding the mandate and promoting objectives of decolonization in Tokelau.⁷²

In 2010 Tokelau came up with a National Strategic Plan (2011-2015), which provided the blueprint for development. This National Strategic Plan consisted of plans on the development of infrastructure, building schools and a new hospital, improving human resource capacity and strengthening governance.⁷³ A few years later, the representative of Tokelau stated again that before a new referendum would start, the people of Tokelau had to understand integration, independence, the particular features of free association, and relevant international experience.⁷⁴ However, in 2014, the General Fono expressed his interest to

⁶⁹ UN, Meeting coverage and press releases, *Pacific regional seminar concludes in New Caledonia with discussion of charting way forward*. GA/COL/3207, 21 May 2010, <http://www.un.org/press/en/2010/gacol3207.doc.htm>.

⁷⁰ UN, Meeting coverage and press releases, *Delegates discuss non self-governing territories of Western Sahara, Falkland Islands (Malvinas), Tokelau as pacific regional seminar enters second day*. GA/COL/3173, 15 May 2008, <http://www.un.org/press/en/2008/gacol3173.doc.htm>.

⁷¹ GA resolution 63/107, Question of Tokelau, A/RES/63/107 (18 December 2008), undocs.org/A/RES/63/107

⁷² *ibid.*

⁷³ UN, Meeting coverage and press releases, *Secretary-General, in Message to Caribbean Regional Seminar, Galvanizes Efforts for Successful Third International Decade to Eradicate Colonialism*, GA/COL/3220, 1 June 2011, <http://www.un.org/press/en/2011/gacol3220.doc.htm>.

⁷⁴ UN, Meeting coverage and press releases, *Special Committee on Decolonization Concludes Session with Adoption of Resolutions on Tokelau, New Caledonia*, GA/COL/3244, 22 June 2012, <http://www.un.org/press/en/2012/gacol3244.doc.htm>.

determine new priorities beyond 2015, including a referendum.⁷⁵ Tokelau is still seen by the Special Committee and by the GA as an example that other non self-governing territories and administering countries have to follow. Secretary General Ban Ki Moon stated; ‘I encourage you to follow the example of New Zealand and Tokelau, whose partnership had shown what close cooperation could achieve.’⁷⁶ Furthermore, the Special Committee was also praised for its assistance in Tokelau.

However, representatives from Tokelau did raise some questions on the work of the Special Committee. A representative of Tokelau, for example, stated in 2010 that ‘the outcome of the second referendum on free association with New Zealand [...] may have been the result of concerns that self-determination might have meant severing ties with the Government and people of New Zealand, which Tokelau did not want to do.’⁷⁷ And a New Zealand representative raised on a meeting in 2010 two questions: ‘How would a community as small and isolated as Tokelau realistically function in a globalizing world? And how could resources be provided on a long-term basis to meet the aspirations of the people of Tokelau?’⁷⁸ Furthermore, a representative of Tokelau stated that the Special Committee should revise the three self-determination options so the territories could understand them and make them real and relevant within the evolving global landscape.⁷⁹ Also, documents provided by the UN Decolonization seminars and statements on Tokelau have rarely been available in Tokelauan. So the Tokelauans have no idea what has been said on their behalf. Thus, there have been some doubts on the working of the GA and Special Committee from Tokelauan representatives.

Although the two referenda in Tokelau were very promising, they did not have the outcome that was expected by the UN. However, the UN never expressed that the two referendums failed. They rather stated that it was an expression of self-determination and that

⁷⁵ UN, Meeting coverage and press releases, *Special Decolonization Committee Approves Text Urging Governments to End Enterprises that Harm Interests of Non-Self-Governing Peoples*, GA/COL/3270, 24 June 2014, <http://www.un.org/press/en/2014/gacol3270.doc.htm>.

⁷⁶ UN, Meeting coverage and press releases, *Secretary-General, citing ‘unfinished business’, calls for renewed commitment to eradicate colonialism as Special Committee on Decolonization opens session*. GA/COL/3183, 27 February 2009, <http://www.un.org/press/en/2009/gacol3183.doc.htm>

⁷⁷ UN, Meeting coverage and press releases, *Participants in Pacific Regional Seminar Discuss Challenges, Role of United Nations in Decolonization Process*. GA/COL/3206, 20 May 2010, <http://www.un.org/press/en/2010/gacol3206.doc.htm>.

⁷⁸ UN, Meeting coverage and press releases, *Concluding Session, Special Committee on Decolonization Approves Text Proposing Third International Decade for Eradication of Colonialism*, GA/COL/3213, 25 June 2010, <http://www.un.org/press/en/2010/gacol3213.doc.htm>.

⁷⁹ UN, Meeting coverage and press releases, *Identify Possibilities for Change while Promoting Decolonization Priorities, Secretary-General Says in Message to Caribbean Regional Seminar*, GA/COL/3250, 28 May 2013, <http://www.un.org/press/en/2013/gacol3250.doc.htm>.

every non self-governing territory had to follow the example of Tokelau and New Zealand. After the two referenda, the UN accepted that the decolonization of Tokelau was not one of their priorities in the years that followed. However, although there were many positive expressions by members of the Special Committee, there were also doubts on the status of Tokelau, especially from representatives of Tokelau. And although the UN stated that self-determination rested with the people, one can conclude that the inhabitants of Tokelau do not fully understand their options.

7. Conclusion: A comparison of the criticism and the actions

Central in this thesis is the question how the UN has handled the criticism on the decolonization process in the last ten years. In the first part of this thesis the criticism on the role of the UN, and especially the Special Committee on Decolonization, in the decolonization process has been described. In the second part of this thesis the actions of the UN regarding one of the remaining non self-governing territories, Tokelau, have been analysed. This chapter tries to give an answer to the research question and thus compares the first and the second part of this thesis.

A 21st century approach

The main criticism on the Special Committee is that it is seen as out-dated and needs a 21st century approach, especially because there are so little non self-governing territories left on the UN list. Baldacchino even goes so far to state that “the passionate yearning for freedom in all dependent peoples” - recognized by the United Nations, in the heyday of decolonization, and implied by Resolution 1514 (XV) of December 1965—is, in most cases, just not there.’⁸⁰ Most important in the case of Tokelau is the criticism that some territories do not want to change their status as they see the current situation as suitable. This relates to the term upside down decolonization, which is explained in the fifth chapter of this thesis.

This ‘upside down decolonization’ seems to be the case in Tokelau. There were two referendums held where the Tokelauans could choose for free association with New Zealand and these referendums did not turn out as the UN has hoped. People of Tokelau stated that ‘life as a New Zealand colony has brought many benefits to the country. There is no poverty, no unemployment, and full literacy.’⁸¹ Others stated that ‘only when I’m suffering I really want to change. I am not suffering.’⁸² It thus seems that Tokelau does not want to change the current relationship with New Zealand. As long as the UN’s goal is to eradicate colonialism in the only three ways described in the mandate, it is likely that Tokelau will remain non self-governing territory and it seems that Tokelau is not unhappy with that. Most of the remaining non self-governing territories are small islands and these take the longest to achieve self-government, because their administering powers doubt their viability and stability as self-

⁸⁰ Godfrey Baldacchino, “Upside Down Decolonization” in *Subnational Island Jurisdictions: Questioning the “Post” in Postcolonialism*, *Space and Culture* 13, no. 2 (2010): 189

⁸¹ David Flicking, “Islanders put freedom from poverty before independence.” *The Guardian*, May 29, 2004, accessed June 2, 2015, <http://www.theguardian.com/world/2004/may/29/davidflicking>.

⁸² *ibid.*

governing states.⁸³ Representatives of Tokelau and representatives of other states in meetings of the Special Committee also stated this. From the press releases described in the previous chapter it becomes clear that Tokelau was scared that self-determination meant severing ties with New Zealand, and that is something Tokelau does not want, because they get a lot of support from New Zealand.

Thus, the main criticism on the UN seems to apply on Tokelau. This criticism is that the Special Committee needs a 21st century approach for the remaining non self-governing territories. As a consequence of this outmoded mandate, Tokelau will probably not change its status, because it is happy with the current situation and does not feel as if it is being colonized. Thus, the UN has to find different solutions for the remaining territories on the list.

A case-by-case approach

Another important criticism from scholars is that the UN needs a case-by-case approach for the remaining non self-governing territories. As described earlier, Secretary-General Ban Ki Moon and member states have mentioned this many times. The main reason for this is that the remaining non self-governing territories are all very specific cases, because they are still on the UN list. The one-size-fits-all approach is also criticized because the UN has to stick to a mandate that only provides three options for self-government.

This research shows that it seems the UN really has handled this criticism with their ‘decades for the eradication of colonialism’, which have been developed by the UN since 1990. They were developed to finally remove all the remaining non self-governing territories from the UN list. The decades for the eradication of colonialism are seen as failed, because we now reside in the Third Decade for the Eradication of Colonialism and there are still non self-governing territories on the list. However, the most important idea of these decades is a case-by-case approach for the remaining non self-governing territories. And this seems to be the case in Tokelau. The UN has a GA resolution on Tokelau every year from the period 2005-2014 and Tokelau is mentioned very often in the meetings of the GA and Special Committee, which is also reflected in the press releases published by the UN. There have been many visiting missions to Tokelau and the UN assisted them very well during the time of the referendums. It thus seems that the UN used a case-by-case approach in the case of Tokelau. However, not all the non self-governing territories are mentioned. So one can say

⁸³ Godfrey Baldacchino, “Upside Down Decolonization” in *Subnational Island Jurisdictions: Questioning the “Post” in Postcolonialism*, *Space and Culture* 13, no. 2 (2010): 192

that Tokelau is a good example of how the UN has to deal with the non self-governing territories as case-by-case approaches.

However, this case-by-case approach has not yet been beneficial for Tokelau in terms of self-determination. It is often mentioned in the criticism that the UN wants a certain solution for Tokelau that Tokelau does not want. Judith Huntsman states that ‘the problem is the promotion of one particular option by those who have an undisclosed interest in the success of that option’⁸⁴, whereby the UN is seen as ‘those’. Angelo states that the population of a non self-governing territory has to have the opportunity to vote for all three UN choices.⁸⁵ Furthermore, especially in the case of Tokelau, more attention needs to be paid for integration. The focus in self-determination of small islands should be on the features of a future relationship to the colonial state rather than on the label to be given to that relationship. Angelo describes the present relationship between Tokelau and New Zealand as the fourth alternative to the three prescribed by the UN and is seen as another form of integration.⁸⁶

Thus, on the one hand, the UN used a case-by-case approach on Tokelau, which resulted in, for example, the two referendums and a high degree of UN involvement. However, on the other hand, this had not yet been beneficial for Tokelau, because they do not seem to want to choose for one of the three options as described by the UN.

Western domination

The third critique concerns the continuing domination of the North over the South, which is, according to critics, still in order at the UN. The main critique with regard to the Special Committee on Decolonization is that it masks other forms of colonialism and that the list of non self-governing territories has never told the full story of colonialism. Wesley-Smith states that the most important factor in determining the future of a non self-governing territory still is the interest of the colonial power.⁸⁷ Furthermore as Kelly and Kaplan put it, the former colonies entered ‘a new world order already tooled for purposes at best different than the aims of the anti-colonial movement, and at times clearly obstructive of them’.⁸⁸ Thus, the

⁸⁴ Judith Huntsman, *The future of Tokelau. Decolonisation agendas, 1975-2006*. (Auckland University Press: Auckland, 2007)

⁸⁵ Tony Angelo, "To be or not to be integrated - that is the problem of the islands," *Revue Juridique Polynésienne* 2 (2002),

⁸⁶ Terence Wesley-Smith, *Self-determination in Oceania*, *Race & Class* 48, no 3 (2007),

⁸⁷ Terence Wesley-Smith, "Self-determination in Oceania," *Race & Class* 48, no. (2007): 33

⁸⁸ John D. Kelly and Martha Kaplan. "My ambition is much greater than independence: US power, the UN world and the nation-state and their critics" in *Decolonization: perspectives from now and then*, ed. Prasenjit Duara (London: Routledge, 2013)

decolonization process at the UN can be seen as the continuing dominance of the North over the South.

In the case of Tokelau, we cannot speak of Western domination or other forms of colonialism. New Zealand has always cooperated with Tokelau very well and this is stated many times in the meetings of the Special Committee and General Assembly, as described in the previous chapter. Tokelau and New Zealand are seen as the example to follow for all the non self-governing territories. The Special Committee as well cannot be seen as dominated by the West. As we have seen in the previous chapter, all the representatives that made a statement on Tokelau were from former colonies or from developing states, such as for example Papua New Guinea, Timor Leste, Cuba and Sierra Leone. In the first instance, thus, Western domination is not visible in Tokelau.

However, the mandate that the Special Committee has to stick to is decided by the Western powers during the establishment of the UN. Especially the concept of self-determination and the three prescribed options of self-government have received a lot of criticism. The Western powers are eventually the ones who are able to change these concepts and mandate. It seems Tokelau does not want any of these options or wants to have anything changed. In this way, we can see the working of the Special Committee on Decolonization in the case of Tokelau as Western domination.

Overall conclusion

The main problem that comes out of the analysis of how the UN has handled the criticism is that the UN has to stick to a mandate created in 1960 where the terms for decolonization are described in. Most important in this is that the non self-governing territories can only choose between three prescribed options of self-government. However, Tokelau seems to be happy with the current situation and does not feel as if it is a colony of New Zealand. The UN has tried to eradicate colonialism with the three Decades For the Eradication of Colonialism. The main plan for these decades was to develop case-by-case approaches for the remaining non self-governing territories. This case-by-case approach has been applied in the case of Tokelau, but has not been beneficial yet. Thus, the UN has been developing in a good direction, but it seems to be limited by a mandate that is out-dated and hinders the last small colonies in achieving self-government. Because almost all other non self-governing territories are small islands, this conclusion can also be applied to them. This means for the Special Committee that they should seriously evaluate this mandate and what it has done for these fifteen small islands that are still on the list. The UN should thus change

this mandate and revisit the three prescribed options of self-government. Since Tokelau does not feel as if it is a colony of New Zealand, all the non self-governing territories should be evaluated according to this new mandate. If this happens, there will be less non self-governing territories on the list and the UN is closer to eradicating colonialism.

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