Stockholm Studies in Politics 204

Stockholm University

Between Independence and Integration

The Pursuit of Self-Determination in Non-Self-Governing Territories

Camilla Wangmar

Doctoral Thesis in Political Science at Stockholm University, Sweden 2025

Between Independence and Integration

The Pursuit of Self-Determination in Non-Self-Governing Territories

Camilla Wangmar

Academic dissertation for the Degree of Doctor of Philosophy in Political Science at Stockholm University to be publicly defended on Tuesday 30 September 2025 at 13.00 in Aula Magna, Frescativägen 6.

Abstract

Since the height of the post-Second World War (WWII) decolonisation wave, self-determination has emerged as a cardinal principle in international law. Today, the realisation of self-determination for all peoples is viewed as an unexceptionable goal and an imperative for the full enjoyment of all human rights. At the same time, scholars have identified the very concept of self-determination as particularly vague and ill-defined. While it is a cornerstone of international law, it is paradoxically also one of its most unsettled norms.

This thesis argues that self-determination's unsettled nature hampers peoples' abilities to exercise or call out violations of it, even where there is an undisputed right. This becomes evident if one considers the peoples of the world's remaining non-self-governing territories (NSGTs), defined by the United Nations General Assembly (UNGA) as not yet decolonised, which make up the empirical focus of the thesis. NSGT peoples have an unalienable right to self-determination as part of their right to decolonisation. While the vast majority of colonies transferred to independent statehood in the post-WWII decades, NSGTs to this day remain in constitutional relationships with their respective administering (colonising) powers. Studies have found that movements and electoral support for full independence in NSGTs now tend to be limited. Metropolitan states have relatedly objected to the categorisation of their affiliated territories as colonies, seeking to portray the very retention of constitutional ties as a voluntary act – perhaps even an act of self-determination? The thesis argues that such a binary view is overly limited and risks obscuring self-determination violations that still occur within these relationships, as well as the limited opportunities for major constitutional change that have existed in practice.

International law on decolonisation stipulates a set of political status options that NSGT peoples may pursue. However, it is less clear regarding what self-determination entails and legitimises in relation to contemporary arrangements for metropolitan affiliation, for as long as they may persist. Using various types of qualitative and field data, including addresses by NSGT representatives to UN decolonisation committees, local news articles and interviews with key actors in two NSGTs and British Overseas Territories – the British Virgin Islands and Anguilla – this thesis inquires into these arrangements. It considers how they are experienced on the territory-level, how they shape local discourses and concepts of self-determination, and how they are in turn thought to promote or undermine it. By analysing this data in light of writings from law and political theory pertaining to Indigenous self-determination and decolonisation, the thesis develops an understanding of self-determination and its requirements within frameworks for metropolitan affiliation. Building on legal scholar James Anaya's ideas about self-determination as having an *ongoing* and a *constitutive* aspect, it argues that this needs to be considered in regards to how the governing institutional order is structured and who hold power in both modifying and upholding it. Identifying shortcomings pertaining to both ongoing and constitutive self-determination in NSGT-metropole relationships, the thesis demonstrates the value of conceptualising this in a more elaborate way, aside from a choice for a permanent political status.

Keywords: *Self-determination, decolonisation, political status, non-self-governing territories, metropolitan affiliation, independence, British Virgin Islands, Anguilla.*

Stockholm 2025
http://urn.kb.se/resolve?urn=urn:nbn:se:su:diva-245380

ISBN 978-91-8107-350-8
ISBN 978-91-8107-351-5
ISSN 0346-6620

Stockholm University

Department of Political Science

Stockholm University, 106 91 Stockholm

BETWEEN INDEPENDENCE AND INTEGRATION

Camilla Wangmar

Stockholm University

Between Independence and Integration

The Pursuit of Self-Determination in Non-Self-Governing Territories

Camilla Wangmar

©Camilla Wangmar, Stockholm University 2025

ISBN print 978-91-8107-350-8
ISBN PDF 978-91-8107-351-5
ISSN 0346-6620

Printed in Sweden by Universitetsservice US-AB, Stockholm 2025

Acknowledgements

The persons who have played the most decisive role in making this thesis possible at all are certainly those who have so generously shared with me their time, knowledge and views of metropolitan affiliation during my trips to the British Virgin Islands and Anguilla. I am beyond grateful to all of the interviewees, who shall remain anonymous. Many of you have contributed massively in so many ways aside from responding to all of my questions in great detail, by putting me in contact with others, staying in touch and providing me with additional materials and readings, and inviting me to events or even to your homes, where many hours of informal conversations about self-determination, politics and life in general were had. Thank you so much for everything. I do hope that this thesis will do justice to the views that you have shared, and that it will help in some way to shed light on the situations in the Overseas Territories.

I was also lucky to meet other people who greatly enriched my fieldwork experience, and who deserve to be recognised for keeping me motivated and not too homesick. Kali, thank you for making my time in the BVI infinitely more fun. Josie, thank you for being one of the most generous persons I have met, with your time as well as your space. I do hope that I will be able to reciprocate somehow. Garna, Althea and Joann, thank you for including me on the loveliest trips and for being the best company. Lucian, thank you for being such a great host, and for driving me everywhere.

Back home, the two most important people have certainly been Ulf Mörkenstam and Ludvig Beckman. I truly could not have asked for better supervisors, and I am so grateful for all of your help throughout this whole process. You have not only provided invaluable (and always quick) feedback and support, but you have also both gone above and beyond in inviting me to seminars and conferences, co-authoring with me, encouraging me to apply for scholarships, and helping me

figure out the next steps as I've gotten closer to finishing this thesis. Even at times when I have struggled with this project, I have always left our meetings feeling encouraged, motivated and inspired. I am also amazed at how, even from earlier (low-quality, not to say chaotic) drafts, you have somehow always managed to discern exactly what I have been trying to say or do, and provided me with the tools and direction to make that possible. This thesis would not exist without you.

During the very first, uncertain stages of this project, Eva Erman and Joakim Kreutz helped greatly by offering loads of encouragement, guidance and feedback as part of the first-year supervision group. At different stages, this manuscript has also received very helpful and insightful comments from Jouni Reinikainen, Sara Moritz, Magnus Reitberger, Jasmijn van der Most, Niklas Bremberg, and Silva Mertsola. Thank you all for reading my (often long) drafts and for offering constructive feedback as well as encouragement, and thank you for being great colleagues and friends on top of that. My deepest appreciation also goes to the committee for my final seminar. Hans Agné, Niklas Bremberg, and Maria Therese Gustafsson, thank you so much for reading my (even longer) final drafts and for offering such detailed comments.

Getting to travel, both for fieldwork and for attending conferences, seminars and workshops over these years has felt like a huge privilege. The ISA Conference in Nashville, the "Democratic participation, popular sovereignty and territory" workshop in Paris, the GRG and REDEM workshops in Stockholm, the EUI-SU workshop in Florence, and the Contested Frontiers workshop in Bergen have all provided invaluable opportunities for me to present and receive feedback as well as to listen to and discuss with far more accomplished people, all of which has been such a great experience. I am also deeply grateful for the generous scholarships that I have received for fieldwork and other parts of this project, from Stiftelsen Widar Bagges stipendiefond, Helge Ax:son Johnsons stiftelse, and Forskkraftstiftelsen Theodor Adelswärds minne. Without this funding, it would not have been possible for me to collect the data I wanted to, nor would I have had the time to properly analyse it.

While this project has included trips to some of the world's most beautiful places, getting to know my colleagues and fellow PhD students, and meeting people who have now

become good friends, has still been the absolute highlight of this journey. Lukas Hegele, I am so happy that we started the program at the same time and got to go through this together, including decorating our office with the ugliest LP covers we could find. Sharing countless laughs (as well as a fair amount of frustration) with you has been some of the best times – 10/10 cohort. Tyra Hertz, you are such a wonderful, fun, open and caring friend and such a strong person – not just talking about the crazy outdoor gym sessions. Having someone that you can talk to about everything is crucial and I'm so happy to have you in my life. Karin Sundström, thank you for sharing everything from teaching materials to memes. On top of being incredibly generous you are also so funny, and our conversations always make me laugh. Whether we have gone out for drinks, attended conferences, research retreats or just hung out in the lunch room (on the rare occasion I do come to the office), I have always ended up having a such great time with the group of equally smart and funny people with whom I am lucky to get to work/have worked, aside from those mentioned elsewhere including Sanna, Cornelia, Ebba, Tove, Carolina, Calle, Ogi, Ian, Faradj, Johannes, Felicitas, Naman, Einar, Rickard, Jakob, and many others.

Aside from research, teaching has been a rather significant part of this experience, and while it was a bit intimidating at first, I have come to really enjoy it. This is very much because of the open and encouraging collegial environment created by, among others, Helena Berglund, Ludvig Norman, Kåre Vernby, and Pär Altermark (Karin Sundström and Jasmijn van der Most are also worth mentioning again here), who have been excellent course conveners and/or fellow teachers for many years now, making the work that much more enjoyable. Jon Nyhlén, as the director of first-level studies, has further helped by making sure that my teaching responsibilities have not been too little nor too overwhelming, and allowing me to teach on courses that have been in line with my interests. The administrative staff at the Department of Political Science, including Christian Möllerop, Makieu Betts, Eleonora Chirindi, David Dahlström, Pernilla Nordahl, Anneli Lindén, and Oskar Eriksson also deserve my deepest thanks for doing such a great job and making sure everything runs smoothly. Whenever I have requested changes to my teaching schedule in order to be able to attend seminars or conferences, you have always

assisted quickly and enthusiastically, and managed to find solutions even with short notice.

Finally, there are people outside of the department who, while not directly involved in this project, have helped a lot more than they might think. Completing a PhD is not easy, but having the most supportive family members and friends certainly makes it a whole lot easier. To my parents, Thomas and Catarina, thank you for always being there, for regularly having me over for dinner and drinks to make sure I don't starve, and for sitting through the worst, most obscure low-budget shark movies with me. Martin and Guisella, thank you for being my favourite people to play games, watch standup, talk and overall hang out with. Your love and support mean everything, and I always look forward to spending time with all of you whether it be Sunday dinners, holidays, weekend trips or just going on walks with Ludde.

Emelie, having one of your best friends live five minutes away is such a privilege. Thank you for all of our hangouts which have allowed me to have fun and take my mind off work, thank you for being so great at making plans and always including me, thank you for being someone I can always count on and for being the best person to talk to about everything from politics to reality TV. Anaïs, thank you for being the most caring, understanding and considerate friend, for always taking the time to check in, and for all our brunches, movie nights, trips and other things that give life meaning. Jennifer, thank you for always offering empathy, kindness and encouragement and for always being curious about what is going on in your friends' lives, all while being one of the coolest people I know. Alicia, thank you for being such a great friend and trainer combined, and for making sure that despite the many hours spent in front of my laptop I haven't completely neglected my physical health. Marvil, thank you for facetiming me during fieldwork so I wouldn't be too lonely, and for your wonderfully dark sense of humour. For countless after works, movie- and game nights, travels, deep and not so deep conversations – all of which has kept me (relatively) sane – Pascal, Yielmaz, Molnia, Rebecca, Jude, Natasha, Katja, Anna, Sandra, Emilia and Sara all deserve my thanks. I am so, so happy that I get to have such amazing friends.

I think that about sums up this part of the book, which – let's be honest – is the one that everyone will read first. If you

have made it this far, I hope that you will continue reading a bit further because I promise the thesis itself has some exciting stuff in it as well.

Thank you all so very much.

Abbreviations

BOT – British Overseas Territory (see also: OT; UKOT)
BOTC – British Overseas Territories Citizen
BVI – British Virgin Islands
C4 – Fourth Committee of the United Nations General Assembly
C24 – Special Committee on Decolonisation/Committee of 24
CARICOM – Caribbean Community
CD – Crown Dependency
CNMI – Commonwealth of the Northern Mariana Islands
COI – Commission of Inquiry
CRC – Constitutional Review/Reform Commission/Committee
EVEL – English Votes for English Laws
FAC – Foreign Affairs Committee
FCO – Foreign and Commonwealth Office (see also: FCDO)
FCDO – Foreign, Commonwealth and Development Office (formerly the FCO)
FPIC – Free, Prior and Informed Consent
GST – Goods and Services Tax
HoA – House of Assembly
ICCPR – International Covenant on Civil and Political Rights
ICESCR – International Covenant on Economic, Social and Cultural Rights
ILO – International Labour Association
NSGT – Non-self-governing territory
OECS – Organisation of Eastern Caribbean States
OT – Overseas Territory (see also: BOT; UKOT)
PACAC – Public Administration and Constitutional Affairs Committee
PIT – Partially independent territory
SAMLA – Sanctions and Anti-Money Laundering Act
SNIJ – Sub-national island jurisdiction
TCI – Turks and Caicos Islands
UKOT – United Kingdom Overseas Territory (see also: BOT; OT)
UN – United Nations
UNDRIP – United Nations Declaration on the Rights of Indigenous Peoples
UNGA – United Nations General Assembly
USVI – United States Virgin Islands

Contents

Chapter 1: Essential yet unsettled – the norm of self-determination in international law 1
1.1. Introduction 1
1.1.1 The "last colonies" 5
1.2. Aims and research questions 9
1.2.1. The importance of thinking through NSGT self-determination 11
1.3. Previous research on metropolitan affiliation 12
1.3.1. The advantages of metropolitan affiliation 15
1.3.2. The problems of metropolitan affiliation 25
1.3.3. The need for a bottom-up study on self-determination 34
1.4. Contributions and disposition 37
1.4.1. Disposition 41

Chapter 2: A short history of decolonisation and the governing of Overseas Territories 43
2.1. Twentieth-century decolonisation and the rise of the sovereign state 43
2.1.1. The legitimization of modern empire 48
2.1.2. The 1940s and -50s: Imagining pathways to freedom 49
2.1.3. The 1960s and -70s: Triumph of the nation-state 51
2.1.4. The 1980s and -90s: Casting doubt on the sovereign state 52
2.1.5. Non-self-governing territories and UN decolonisation efforts ..54
2.2. The UK and (Caribbean) Overseas Territories 57
2.2.1. The 1970s to 1990s: Expecting independence 59
2.2.2. The late 1990s: Re-engagement 60
2.2.3. 2010s and -20s: Relationships under strain 62
2.2.4. The OTs in contemporary debates 69
2.3. Concluding remarks 74

Chapter 3: Theory and methods 77
3.1. Self-determination without independence? 77
3.1.1. Self-determination and decolonisation in international law ..79
3.1.2. Self-determination and decolonisation in academic debates 82
3.2. Research design, material and methods 103
3.2.1. A combined approach 105

Chapter 4: A best of both worlds? Characterisations of metropolitan relationships and their implications for self-determination 119
4.1. Contested affiliation – and what addresses to the UN decolonisation committees tell us about it 123
4.1.1. The governing of day-to-day life 123

4.1.2. Influencing the governing institutional order 152
4.2. "Best of both worlds"? 167

Chapter 5: Understandings of self-determination and paths to decolonisation in Overseas Territories 171
5.1. Self-determination as independence: a persisting idea 172
5.1.1. "'We're not keeping you'" – constitutive self-determination and the right to exit 178
5.2. How independent is independence? 186
5.3. "We have to be moving towards something" 192
5.4. Concluding remarks 198

Chapter 6: Living in-between - ideational and material experiences of metropolitan affiliation 201
6.1 . Non-discrimination, cultural integrity and metropolitan affiliation 202
6.1.1. A global British family? 203
6.2. Development, land and resources, and metropolitan affiliation 212
6.2.1. Metropolitan support: key but conditional 212
6.2.2. Legacies of neglect 218
6.2.3. Defining development 220
6.2.4. Metropolitan actions and natural resources 223
6.3. Concluding remarks 227

Chapter 7: Self-government and metropolitan affiliation 231
7.1. Belongership, citizenship and self-constitution 234
7.2. Participatory engagement and the question of representation 241
7.2.1. Alternative forms of participatory engagement 248
7.3. The Office of the Governor 258
7.3.1. Accountable to whom? 259
7.3.2. Formal and informal governing 264
7.4. The elected government 271
7.5 . Concluding remarks 273

Chapter 8: Negotiating in partnership? Constitutive self-determination in Overseas Territories 277
8.1 . Constitutive self-determination for NSGTs 278
8.2. Modern partnerships? 281
8.3. Modifying the governing order 284
8.4. Upholding the governing order 295
8.5. Concluding remarks 301

Chapter 9: Settling the norm 305
9.1. Returning to the academic debates 309
9.1.1. Best of both worlds or lesser of two evils? 310

9.2. Constitutive self-determination 316
9.2.1. “Forced marriages” and suspended constitutions 322
9.2.2. Breaking down constitutive self-determination for NSGTs 328
9.3. Ongoing self-determination 335
9.3.1. A hierarchy of elements 335
9.3.2. The problems of “creative” governance 339
9.3.4. Applying the hierarchy: a step by step approach 357

Chapter 10: Concluding remarks 361
10.1. A summary of contributions and arguments 363
10.2 . Implications 368
10.2.1. Avenues for future research 375

Appendix. 1: Interviews 377

Appendix 2: Interview guide 378

References 383

Sammanfattning på svenska 405

Chapter 1: Essential yet unsettled – the norm of self-determination in international law

It no be small ting at all.
– Tobe Nwigwe

1.1. Introduction

The idea of self-determination is a peculiar feature of our international system. One the one hand, it has by now become a cardinal principle in international law and is recognised as a fundamental human right. The two United Nations (UN) International Covenants on human rights – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – both open with the same two sentences: "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*"* (ICCPR, Article 1; ICESCR, Article 1). Clearly, the *right* of self-determination occupies a place at the apex of international law, viewed as one of the "imperatives for the full enjoyment of all human rights" (GA RES 47/82, 1992). On the other hand, the *concept* of self-determination has repeatedly been identified as particularly nebulous, ill-defined and difficult to theorise (Stavenhagen, 1996; Cárdenas and Cañás, 2002; Roepstorff, 2012; Fisch, 2015; Stilz, 2015; Miller, 2020). Uncertainties and, relatedly, longstanding academic debates persist both as to what its subject (who makes up a self-determining "people"?) and its object (what does it mean to exercise self-determination?) should be (Keating, 2019). As international lawyer Lloyd N. Cutler has described it, self-determination appears to be "one of those unexceptionable goals that

can be neither defined nor opposed" (Cutler, 1992: xi). There is a remarkably strong consensus regarding the conviction that everyone should have it – yet seemingly no consensus as to what it is.

As Saul (2011) has noted, on the unsettled nature of self-determination since its development as a legal right in the 1960s:

> … given the passage of time since this clause was agreed upon, it might have been expected that a more determinate understanding of the scope and content of the right would have emerged, or at least be on its way to emerging. This is not the case. (Saul, 2011: 611)

Still, for peoples to be able to exercise a right to self-determination, its meaning arguably *needs* to be defined. Normative discussions about peoples' entitlements to self-determination do presuppose some level of clarity regarding what this entails and requires (e.g. what governing arrangements are compatible with it; what duties states and international bodies have in upholding it), for it to function as a meaningful right rather than a vague aspiration. In reality, it becomes practically impossible to invoke a right to self-determination, or to call out violations of it, if no particular meaning is given to the concept. One could perhaps draw a parallel to democracy – another universally popular and widely endorsed idea. Dahl (1989: 2) has famously argued that "a term that means anything means nothing." According to Dahl, with democracy having become "not so much a term of restricted and specific meaning as a vague endorsement of a popular idea" (ibid), regimes will claim it as a title regardless of whether or not they live up to any particular set of standards. Similarly, Saul (2011: 612) suggests that states may in fact prefer that the meaning of self-determination remains ambiguous, as "if the norm is kept ill-defined, states will retain a leeway to resist claims that they are not fulfilling obligations to peoples under their authority," and that this, in turn, would explain their limited contributions to the clarification of its scope and content.

Self-determination thus remains both a cornerstone of international law and one of its most unsettled norms (Saul, 2011: 610). This creates uncertainties regarding how this foundational human right should be implemented. Herein lies the problem that this thesis seeks to address. More specifically, this thesis will ask what self-determination means,

and what it requires, in contemporary cases of ongoing decolonisation where its "ordinary path" (Bonilla, 2013: 157) of fully independent statehood has not (at least yet) been taken. Currently, a small number of territories (17) – most of them also individually very small in terms of population size, and insular – remain designated as non-self-governing territories (NSGTs), meaning that their peoples are considered by the United Nations General Assembly (UNGA) as not yet having exercised their right to self-determination and thus remaining colonial. *Figure 1.* and *Table 1.* below provide a brief overview. So far, these places have not severed but instead retained constitutional ties to their respective colonising powers (also referred to as administering powers, or metropoles), existing in "some sort of agreed half-way house between independence and integration" (Aldrich and Connell, 2020: 425). Parts of what has been described as a "confetti of empire" (Guillebaud, 1976), consisting of small, colonial islands spread across the world's oceans, thus remain to this day. Such cases, I will argue below, epitomise the tension between self-determination's status as a fundamental right and its ambiguous nature, actualising how this plays out in contemporary settings.

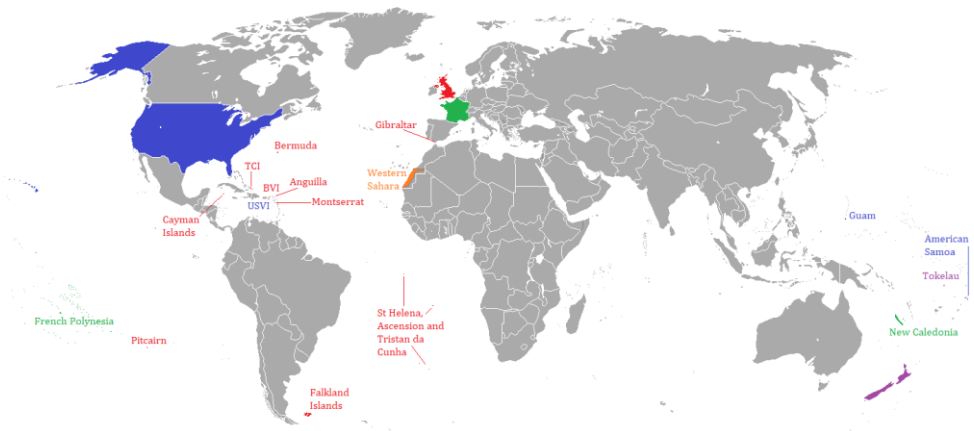

Figure. 1. Map of NSGTs and administering powers

Table 1. Non-self-governing territories listed by the UNGA

Territory	Administering power	Region	On the NSGT list since	Population 2024[1]
Anguilla	UK	Caribbean	1946	14,599
Bermuda	UK	Atlantic	1946	64,637
British Virgin Islands	UK	Caribbean	1946	39,471
Cayman Islands	UK	Caribbean	1946	74,458
Falkland Islands (Malvinas)	UK/Disputed*	Atlantic	1946	3,471
Gibraltar	UK	Europe	1946	39,329
Montserrat	UK	Caribbean	1946	4,389
Pitcairn	UK	Pacific	1946	50
St Helena, Ascension and Tristan da Cunha	UK	Atlantic	1946	7,943
Turks and Caicos Islands	UK	Caribbean	1946	46,535
American Samoa	US	Pacific	1946	46,765
Guam	US	Pacific	1946	167,777
United States Virgin Islands	US	Caribbean	1946	84,905
French Polynesia	France	Pacific	1946-1947 and since 2013	281,807
New Caledonia	France	Pacific	1946-1947 and since 1986	292,640
Tokelau	New Zealand	Pacific	1946	2,507
Western Sahara**	-	Africa	1963	590,506

[1] United Nations, Department of Economic and Social Affairs, Population Division (2024). *World Population Prospects: The 2024 Revision.* For Pitcairn, St Helena, Ascension and Tristan da Cunha, population data was collected from the CIA World Factbook.

* Sovereignty over the Falkland Islands is disputed between the United Kingdom and Argentina governments.

** This thesis does not cover material pertaining to Western Sahara, due to the circumstances of this case differing significantly from those of other NSGTs, and due

1.1.1 The "last colonies"

One could, of course, argue that self-determination, in the decades following the end of the Second World War (WWII), came to be given what was in fact a very determinate, authoritative meaning in contexts of decolonisation: independent statehood. A transfer to full independence was by far the preferred and most common outcome of post-war liberation struggles, being the result of decolonisation in all but a handful of cases (Hannum, 1993: 39). Options aside from independence as stipulated in international law (GA Res 1541, XV; GA Res 2625, XXV) are: integration with an independent state;[2] free association with an independent state,[3] or; "any other political status freely determined by a people", although there has been little discussion as to what the latter could be (Perham, 2013; Yusuf and Chowdhury, 2019a). A clear preference for independence has been identified given differences in procedural requirements for different status options (Hannum, 1990: 40-41).

United Nations (UN) debates in the 1950s and early -60s saw African and Asian delegates, as well as delegates from socialist states, increasingly pressing for the international community to endorse self-determination as statehood for colonies, and to formalise the link between the two (Knudsen, 2020: 150). As a result, the right to self-determination became enshrined in international law, and resolutions such as the landmark 1960 UN *Declaration on the Granting of Independence to Colonial Countries and Peoples* (GA Res 1514, XV, or Resolution 1514) – the "Magna Carta of decolonisation" (Philpott, 2001: 156) – made it "abundantly clear that full independence is considered to be the 'normal' result of the exercise of self-determination" (Hannum, 1990: 39).

---

to the thesis' focus on smaller island territories in particular. For the latter reason, Gibraltar is also excluded from the study.

[2] Requires the consent of said state.

[3] Also requires the consent of said state. Only a handful current examples exist: Palau, the Marshall Islands, and the Federated States of Micronesia are in free association with the United States, and the Cook Islands and Niue are in free association with New Zealand.

During the height of post-WWII decolonisation, the *object* of national self-determination, widely understood as the creation of a sovereign state, appeared clear enough. While self-determination remains difficult to pin down, its most widely accepted and clearly articulated meaning in international legal contexts has thus been independent sovereignty (Young, 2001: 31), with the independent state model long being construed as the "natural and only acceptable outcome" (Veenendaal and Oostindie, 2018: 26) of decolonisation. Upon the close of WWII in 1945, the UN was founded by 51 states, and by the mid-1970s the political world map had already been dramatically altered with over one billion people inhabiting over 70 new states, as former colonies transferred to sovereign statehood (Mittelman, 1976). Decolonisation thereby came to be described as the "great revolution of the twentieth century" (ibid: 41) and as "an apparatus for the serial production of sovereignty" (Jansen and Osterhammel, 2017: 9), with the number of states continuing to rise through the 1970s and -80s. As (Philpott, 2001: 255) describes, post-WWII decolonisation has served to establish the sovereign state model as an international norm and extend it to "the entire land surface of the globe." Well, almost.

Today, with the post-WWII decolonisation wave having virtually subsided,[4] self-determination has been described as a concept increasingly at war with itself, whose traditional meaning as a vehicle for independent statehood has been rendered "essentially meaningless" at the same time as assertions of its importance for the enjoyment of all human rights continue to be voiced by international legal authorities (Fox, 1995: 733). As Fox (1995: 733) notes, "[s]elf-determination, it seems, has become either everything or nothing." As it became more or less equated with the right to independence for colonised peoples during the height of post-WWII decolonisation, the concept appeared forceful and its object and application (independence, or "everything") clear. However, in the present-day the traditional model has arguably become

[4] The most recent NSGT to formally decolonise being Timor-Leste, which achieved independence in 2002. By that time, the post-WWII global decolonisation process had already slowed down greatly over the course of the 1980s and -90s.

less relevant,[5] while no agreed upon, meaningful alternative has emerged, leaving us with a principle that still sits at the centre of international human rights law but that seems to lack any core meaning. This has implications for various peoples living within or in relationships with states (e.g. Indigenous groups), who may seek to exercise a right to self-determination, or call attention to violations of such a right, without necessarily creating their own sovereign states.

Some of the most striking examples of such situations would be the peoples living in the world's remaining NSGTs, or "last colonies" (Aldrich and Connell, 1998; 2020). To this day, these polities are undergoing processes of decolonisation, but most are seemingly remaining far from any transfer to independence. The peoples of the NSGTs have an unalienable right to self-determination, understood by the UNGA as consisting in the choice for a permanent political status, which does include the right to independence. The electorates in most of these territories have, however, typically not expressed any strong desires for this option, and have in fact consistently voted against it (McElroy and de Albuquerque, 1995; Baldacchino, 2010: 44-45; Clegg, 2012; Prinsen and Blaise, 2017). The "everything" model that came to be seen as virtually synonymous with self-determination during post-WWII decolonisation and presented as an "unavoidable, evolutionary route" (Baldacchino, 2010: 47) evidently tends to be met with scepticism in these cases, likely owing in part to small population sizes and/or insular geographic characteristics (Hepburn, 2012: 124-125).

NSGTs have often been treated in Western scholarship as "oddities" and deviations from the norm of postcolonial sovereignty (Bonilla, 2013: 157; Bevacqua, 2010). As Bevacqua (2010: xvii) describes, regarding metropolitan views of Guam:

[5] I argue that this is for two main reasons: firstly, there are many peoples (e.g. Indigenous peoples) living within existing state borders that *do* have a recognised right to self-determination but for whom states *do not* recognise a right to secession (in many cases, independent statehood also may not be a desire held, or a claim made, by these peoples), and; secondly, NSGTs peoples do have a right to full independence as part of their right to decolonisation, but electorates have generally tended to be sceptical of this option for their respective territories. The latter make up the empirical focus of this thesis.

> When asked about decolonization and the rights to self-determination of the peoples of the Micronesian islands, Secretary of State Henry Kissinger infamously stated, "There are only 90,000 people there; who gives a dam?" […] As a colony in a world which has already gotten over colonialism, a place such as Guam is a sad exception to the existing multicultural family of nations. In this sense, Guam and places like it are insignificant, and say or mean very little in terms of describing or defining the global order today.

A starting point for this thesis is that population size is largely irrelevant to questions about fundamental human rights – if 100 people are living under colonial conditions, this is still a moral wrong that should be addressed. A second starting point is the belief that, as described by Hintjens and Hodge (2012: 191), "tiny places can throw up big principles." The remaining NSGTs do clearly call into question what the unsettled norm of self-determination should translate into in cases where decolonisation's expected route has not been taken and where it may not presently be preferred by the majorities. Such questions also have wider implications regarding what we should understand this foundational principle of our international system to consist in. If one starts from Fox's (1995: 733) observation of self-determination as "everything or nothing," failure to pursue full independence would then mean that NSGT peoples would be left with, essentially, "nothing." If the most common interpretation of it as independent sovereignty is not the path taken, self-determination becomes immediately plagued with vagueness. Still, colonised peoples' *rights* to it are inalienable, and the remaining NSGTs thus demonstrate how the tension between self-determination's position as a fundamental right and its ill-defined nature risks leaving peoples with an absolute, essential entitlement to a "something" that becomes difficult to make tangible, claim and pursue.

Today, more than 60 years since the adoption of Resolution 1514, NSGTs remain tied to metropoles under governing arrangements that, on the one hand, have been suggested to offer uniquely creative solutions and alternative forms of "sovereignty" (Hepburn, 2012; Rezvani, 2014; 2016; Prinsen and Blaise, 2017), but on the other have been criticised for being fraught with democratic deficits, inequalities and colonial underpinnings (Corbin 2009a; 2009b; Lin, 2019; Yusuf

and Chowdhury, 2019b; Bosque, 2020; Ferdinand et al, 2020; Go, 2024). As this implies, the extant literature remains divided on the question of how contemporary NSGT-metropole relationships should be understood, particularly as they relate to peoples' abilities to freely determine their political statuses and freely pursue their own development. Should contemporary cases of metropolitan affiliation in fact be viewed as *promoting* self-determination, through the creative crafting of governing arrangements that allow for territory peoples to utilise the support, security and other benefits provided by the larger state while pursuing development on their own terms? Or should they be considered as colonial remnants that uphold unequal forms of power and thereby *undermine* self-determination? Without a clear concept of self-determination, such questions will remain difficult to address.

This thesis builds on legal scholar James Anaya's ideas about self-determination as having an *ongoing* aspect, which relates to the ability of a people to freely pursue their own development under a governing institutional order, and a *constitutive* aspect, which relates to constituent power, i.e. a peoples' ability to influence and shape said order. Using this as an overarching framework, and using various types of qualitative data aimed at capturing first-hand perspectives from NSGTs (semi-structured interviews with key actors; local news articles; addresses by NSGT representatives to UN decolonisation committees), it seeks to address questions regarding what self-determination can be and how it can be pursued for peoples that still exist in ambiguous spaces "in-between" independence and integration, and for whom the decolonisation process has remained incomplete. A significant part of the thesis focuses on two cases: Caribbean NSGTs and British Overseas Territories (BOTs) the British Virgin Islands (BVI) and Anguilla, where fieldwork has been conducted to study more in-depth local ideas about self-determination and experiences of metropolitan affiliation.

1.2. Aims and research questions

Addressing the debates briefly outlined above requires consideration of what self-determination entails in cases where the traditional model of

full independence has, so far, not been pursued. Recognising this, this thesis has two main aims. First, it aims to develop a more determinate understanding and concept of self-determination and its requirements, based on insights from NSGTs. Second, it aims to assess the extent to which contemporary arrangements for metropolitan affiliation can be said to promote or undermine it. This is done by identifying what NSGT peoples themselves consider as being important to their abilities to freely determine their political statuses and freely pursue their own development, and by connecting such insights to writings from the fields of international law and political theory.

As an overarching question, this thesis asks:

- *What does self-determination entail and require in decolonising contexts where full independence has not been pursued?*

Further, with the aim to explore how contemporary NSGT-metropole relationships are experienced in regards to this, it asks:

  - What meanings and ideas are ascribed to the notion of self-determination in NSGTs?
  - What conditions are necessary for fulfilling self-determination in current arrangements, and to what extent are they present?
  - How do experiences in NSGTs pertaining to the *ongoing* and *constitutive* aspects of self-determination inform these concepts and their requirements?

The first, overarching question pertains to a theoretical contribution based a recognised need to consider alternative ways of understanding self-determination in contexts of decolonisation (Turner, 2013; Perham, 2013; Yusuf and Chowdhury, 2019a). The sub-questions are aimed at connecting theoretical insights to present empirical circumstances. They thus relate to the secondary aim of assessing whether, and in what ways, contemporary arrangements for metropolitan affiliation are consistent with the concept of self-determination that the thesis ultimately proposes.

1.2.1. The importance of thinking through NSGT self-determination

One could, of course, ask; is the situation outlined here so far necessarily a problem at all? If NSGTs peoples are retaining their metropolitan ties despite having the right to sever them, perhaps that should be taken to mean that they are simply content with their present statuses and are not experiencing any need for a more determinate understanding of self-determination? Could the retention of such ties in fact be considered an act of self-determination in itself? Much of the extant literature has certainly painted contemporary relationships in a rather positive light, suggesting that they offer a "best of both worlds" (Baldacchino, 2006a) for smaller territories in combining a degree of political and administrative autonomy with the significant material- and security advantages of affiliation with a larger "patron." The observation that major constitutional change has been a rare occurrence in these types of polities over the past decades has been taken as indicative of island voters being largely content and "not unduly frustrated or disappointed by what they have experienced" (Baldacchino, 2010: 188).

The international community's and UN decolonisation bodies' dominant view of self-determination as being exercised through a transfer to independence, free association with an independent state, or integration into an independent state has further been criticised as presenting a rigid and outdated "straightjacket of categories" (Yusuf and Chowdhury, 2019a: 459) and "one size fits all" approach (Turner, 2013: 1205). Perham (2013) similarly argues for more flexibility in determining when an NSGT has reached a full measure of self-government, and suggests that ratification of the status quo should be an acceptable option for removal from the UNGA's list.

With this in mind, one could perhaps argue that NSGT peoples are already exercising self-determination in maintaining the arrangements that tie them to their metropolitan states. As the UK Foreign and Commonwealth Office (FCO) has stated: "[t]he British Territories on the Committee's list have a large measure of internal self-government

and have all chosen to retain their link to the UK.[6] In the UK's view, all our Territories should have been delisted a long time ago." (FCO, 2012: 84). However, and coming back to the unsettled nature of self-determination, this becomes impossible to conclude unless we can identify what this consists in. Given the scarcity of studies examining the perspectives of those living under territory-metropole arrangements (Veenendaal and Oostindie, 2018: 27), it is equally difficult to conclude whether or in what ways present relationships are experienced as colonial, or whether they are indeed considered as having evolved into partnerships that do allow for NSGT peoples to influence and shape the governing order and freely pursue their own aspirations under it.

In addition, in a world where both colonised and other (e.g. Indigenous) peoples with self-determination rights find themselves in relationships with larger states, they also find themselves needing to structure and develop these relationships in ways that do not undermine self-determination. For this, it is imperative that this "unsettled norm" becomes settled to a point where it can serve a purpose in such processes, and where violations of it can be identified and remedied.

1.3. Previous research on metropolitan affiliation

In their 1998 book *The Last Colonies*, on the 50-odd overseas territories which, at that point, had not transferred to independent statehood, Robert Aldrich and John Connell pointed out that "[i]n an era that is bravely, and sometimes cynically, touted as one of a New World Order, there is something seemingly paradoxical about the continued presence of colonies in a supposedly post-colonial world" (Aldrich and Connell, 1998: 1).[7] In their more recent book, following up on the situations of

[6] "Committee" refers to the UN Special Committee on Decolonisation, also known as the C24.

[7] In Aldrich and Connell's (1998; 2020) works, the term "overseas territory" includes the NSGTs (exception: Western Sahara), but also a wider range of, almost exclusively island, territories. In this discussion on previous research I do not focus solely on NSGTs but on (post)colonial non-independence more generally. The term "overseas territory" stems from the so-called "saltwater rule," employed to define colonies when UN resolutions on decolonisation were drafted in the 1960s. This rule stated that to be considered a colony, a territory had to be separated from its administering state by

the same territories more than 20 years later, the authors note that not much has changed regarding the number of overseas territories - in fact, none of the ones included on their 1998 list have become independent (Aldrich and Connell, 2020: 2). The most "paradoxical" cases would arguably be the territories still listed as NSGTs, as they have been at the centre of UN decolonisation efforts for many decades yet have remained under arrangements that were never meant to be permanent.

Seeing as the overwhelming majority of NSGTs as well as other overseas territories with (post)colonial metropolitan ties not included on the UNGA's list are smaller islands, this thesis seeks to contribute to academic debates that have primarily taken place within the interdisciplinary field of island studies. Here, I side with Androus and Greymorning (2016: 449) in accepting the "basic premise that small islands are sufficiently distinctive as to warrant an analysis separate and apart from other political units and arrangements." Indeed, scholars have identified smaller (post)colonial and non-independent islands as a particular, meaningful category, and as a group of polities sharing features (smallness; insularity; relationships to mainland colonising powers from which they are geographically distant) that set them apart from other polities, giving rise to island studies as a distinct field. In these settings, it has been suggested that sovereignty may be "recrafted" (Hepburn, 2012), or even that new forms of "islandian" sovereignty could emerge through the continuous re-negotiating of constitutional arrangements between island territories and metropolitan states (Prinsen and Blaise, 2017; Prinsen et al, 2017).

Since the mid-1990s, studies have sought to explain the lingering propensity for metropolitan affiliation among smaller island territories. Typically, this phenomenon has been attributed to a range of relative benefits, pertaining to e.g. socio-economic wellbeing, of staying tied to a larger, richer mainland metropole (McElroy and de Albuquerque,

a body of saltwater (Philpott, 2001: 156). The NSGTs affiliated with the UK are officially referred to as Overseas Territories (OTs), whereas those affiliated with the US are referred to as unincorporated territories, and those affiliated with France are designated as an overseas collectivity or overseas country (French Polynesia) and as a sui generis collectivity (New Caledonia).

1995; Armstrong and Read, 2000; Baldacchino and Milne, 2006; McElroy and Pearce, 2006; Dunn, 2011; McElroy and Parry, 2012; Clegg, 2012). Baldacchino (2010: 42) uses the term "upside-down decolonisation" to refer to a situation where the metropole might be more than willing to accept, and where it might even press for, a transfer to independence for its colonies, but where decolonisation is "stalled by virtue of the colonized party stubbornly preferring the status quo and refusing independence." Based on a review of political developments and status referenda in overseas territories, he concludes that upside-down decolonisation has become the norm rather than the exception, and theorises that "small size and islandness may have something to do with this dynamic" (ibid: 47).

It has also been suggested that the shifting nature of state sovereignty, both due to decentralisation and globalisation, has contributed to making independence a less attractive goal overall (Baldacchino and Hepburn, 2012; Aldrich and Connell, 2020: 440). Such trends, it is argued, have created incentives for subnational island actors to instead "exploit the political spaces beneath, above and between states" (Baldacchino and Hepburn, 2012: 560), and develop forms of "creative governance" (Hepburn, 2012) so as to combine valuable benefits stemming from the metropolitan link with a degree of autonomy.

At the same time, however, other studies have pointed to shortcomings related to these types of arrangements, including democratic deficits (Fuentes-Rohwer, 2008; Lin, 2019; Yusuf and Chowdhury, 2019b; Bosque, 2020). Scholars have further questioned whether territory leaders have really been all that successful in recrafting and re-defining metropolitan relationships on their own terms, given the high levels of frustration with these arrangements that persist among territory populations (Ferdinand et al, 2020). In other words, while important advantages motivate the seemingly counterintuitive, "paradoxical" propensity for affiliation, the question of how such arrangements affect territory peoples' abilities to freely pursue their own development and determine their own political statuses remains debated.

The following two subsections cover the main arguments and observations from previous studies pertaining to metropolitan

affiliation for smaller island territories.[8] Section 1.3.1. outlines the supposed advantages of metropolitan affiliation, and section 1.3.2. covers lines of criticism against such arrangements. Following this, section 1.3.3. motivates the present thesis in light of the widely opposing arguments that have been put forward in these debates.

Section 1.3.1 below opens by discussing metropolitan affiliation generally, after which it pays particular attention to arguments pertaining to the self-determination implications of these arrangements.

1.3.1. The advantages of metropolitan affiliation

Although it has been questioned whether there in fact exists a causal relationship between political status and economic development (Bertram, 2015), it is generally believed that metropolitan affiliation can greatly benefit smaller island societies through financial and administrative support; the protection of democracy, human rights and territorial integrity, and; valued benefits such as citizenship and the right of abode in the metropole (Veenedaal and Oostindie, 2018). Development has thus been linked to dependency, which here refers to a territory's continuous reliance on the metropolitan link for beneficial outcomes. This includes aid and investment dependence, social welfare and disaster relief, ease of centre-periphery trade, migration and labour market access, and/or opportunities for tourism (McElroy and Mahoney, 2000; McElroy and Pearce, 2006; Dunn, 2011; McElroy and Parry, 2012).

It should be noted that the notion of dependency risks reinforcing what Bonilla (2013: 159) labels the "trope of postcolonial benevolence," where the metropole is viewed as generously assisting its overseas territories, which are in turn constructed as passive. Relatedly, it has been suggested that high levels of material dependency also may create a "psychological dependence" limiting perspectives on political options (Corbin, 2009b: 93), and development models based on the perceived

[8] Given that all NSGT peoples have an internationally recognised right to opt for independence should they wish, bodies of literature pertaining to secessionist movements or the legitimacy of secessionism will not be included here.

benevolence of a larger patron state may have thus adverse and belittling effects (Hau'ofa, 1993). Bonilla (2013), challenging this trope, points out that societies constructed as "dependent" have in fact been constitutive of imperial economies, and Bevacqua (2010: xviii) similarly argues that sites like NSGTs play constitutive roles in "producing the powers that claim them." The idea of metropolitan benevolence/territorial powerlessness has moreover been questioned with reference to the observation that island leaders now tend to be active negotiators as opposed to passive recipients of support (Prinsen and Blaise, 2017). Dependency should thus not be taken to imply that territory peoples are passive – it simply refers to the ways in which they depend on and use the metropolitan link for benefits to which they would not otherwise have access. This continues to constitute a powerful argument for affiliation.

Statistical studies in the field of economics (Armstrong and Read, 2000; Bertram, 2004; McElroy and Sanborn, 2005; McElroy and Pearce, 2006; Dunn, 2011; McElroy and Parry, 2012) have consistently corroborated the argument that metropolitan affiliation entails significant advantages for smaller island societies. Bertram (2004), through a regression analysis of 60 independent and non-independent smaller islands, finds the per capita GDP of these territories to be positively related to two variables: the closeness of political linkages to a metropole, and; the level of per capita GDP in the metropolitan economy. Also analysing per capita GDP, but including other development indicators as well, McElroy and Pearce (2006) contrast 25 sub-national island jurisdictions (SNIJs) and 30 small island states around the world, using 25 variables pertaining to macroeconomic performance and structure, social and health standards and demographic factors.[9] They conclude that there are "empirically

[9] Variables in this study include: per capita GDP; per capita electricity consumption; labour force participation rates and unemployment rates; share of GDP in agriculture, industry and services; land area (proxy for resource availability); per resident visitor expenditure (measure of tourism); gross ratio of visitors to resident population (measure of tourism); life expectancy; adult literacy; infant mortality; number of land phone lines per 1000 population; population size, growth and density; median age; population percentage of young (0-14 years), working age (15-64 years) and old (65+ years); birth, death, migration and fertility rates.

verifiable and distinct/…/differences among small islands dichotomously stratified according to political status" (McElroy and Pearce, 2006: 533), including per capita GDP, but also higher average life expectancy, adult literacy and communication access in SNIJs relative to their independent counterparts. On the basis of this, McElroy and Pearce (2006: 535) argue that the superior performance of SNIJs should be understood to derive "partly from metropolitan political and economic ties and partly from the SNIJs' creative use of jurisdiction." This reasoning is echoed in later works, e.g. McElroy and Parry (2012), where a longitudinal, large-N approach is used to measure long-term change and development patterns over the period 1990-2010 in independent and non-independent island polities, and where the authors find that non-independent territories have consistently outperformed their sovereign counterparts.[10]

Overton et al (2012), through a review of aid flows and other forms of development support to Pacific islands (independent and non-independent), further identify an "inverse sovereignty effect", meaning that higher levels of political sovereignty are inversely related to material living standards and opportunities for aid and remittances. The authors conclude that it is thus "not full sovereignty but a negotiated, fluid and evolving dependence" that produces the greatest benefits (ibid: 238). Depending on economic profile and vulnerability to shocks or natural disasters, levels of dependency vary over time and across territories (Clegg, 2018), but it has generally been suggested that territory populations recognise the metropolitan link as a "safeguard" against being reduced to the economic and social conditions of their independent counterparts (Clegg and Killingray, 2012: xix), or against weak or corrupt government (Taylor, 2000: 338). Baldacchino and Milne (2006: 490) thus conclude that metropolitan affiliation should be viewed as a "rational, strategic choice."

Aside from financial support, smaller island jurisdictions tend to value the security protection and disaster relief of their metropoles (McElroy and Parry, 2012: 405). A survey conducted in 2015 on all six Caribbean

[10] Using the same variables as in McElroy and Pearce (2006).

Dutch islands revealed that despite widespread resentment against an increasing Dutch presence, overwhelming majorities were still in favour of metropolitan military support (Veenendaal and Oostindie 2018: 36).[11] In New Caledonia, the potential loss of French subsidies and military protection have been brought up as arguments against the territory being able to "afford" a transfer to full independence (Aldrich and Connell 2020: 216). For some territories, such as Guam and the Northern Mariana Islands, military activities and economic development are further closely connected, as their economies depend significantly on metropolitan military expenditure (ibid: 165-166).

As this section demonstrates, the advantages of metropolitan affiliation that have been most prevalently covered in the literature relate to material gains. Veenendaal and Oostindie (2018) observe that the material benefits of affiliation tend to stand in opposition to drawbacks relating to less tangible aspects such as the importance of maintaining a distinct culture and identity, concluding that such arrangements are characterised by a continuous "head versus heart dilemma." However, alternative views have also been voiced. Royle (2010) suggests that some island territories may adhere to metropoles due to a genuine "culture of loyalty." Reviewing status debates in Bermuda, St Helena and the Falkland Islands, he points out that while independentists in Bermuda have stressed the "psychological and cultural gains" of severing their UK link, St Helenians remain "fiercely loyal" to the UK and Falkland Islanders have reiterated their wishes to "remain British." Royle (2010: 212) thus concludes that "a reason as much of the heart as the head may be in operation to help to explain some places' continued links with Britain." Additional nuance is provided to this argument if one considers Harmer et al's (2015) suggestion that the material structures that shape the lives of communities also contribute to narratives of identity. This is exemplified in how St Helenian claims to greater inclusion within the "common goods" of the UK (e.g. through aid) have been based on assertions of a "British" identity, whereas in the more self-reliant British Virgin Islands (BVI), economic independence has been linked to a distinct identity. These observations

[11] Aruba, Curaçao, St. Maarten, Bonaire, Saba, St. Eustatius.

appear to blur the line between "head" and "heart" to some degree, by showcasing that there may be a (stronger or weaker) sense of identification, but that such narratives are also influenced by material conditions.

In sum, numerous studies have sought to explain the propensity for metropolitan affiliation in smaller islands, and while some have stressed ideational factors, most have arrived at the conclusion that this is primarily due to various material, relative benefits. The present thesis does not seek to explain *why* the remaining NSGTs have not gone independent. However, the insights outlined above are still relevant to consider, particularly as they could relate directly to self-determination if the concept is understood in line with Rezvani (2014: 27; 45) as measurable through the degree to which a people is able to fulfil their national, economic, political, and security self-interest. According to Rezvani (2014), increased security, economic benefit or self-rule guarantees all impact positively on this ability, and (some form of) affiliation could thus be considered preferable to full independence even in regards to self-determination. The following section expands on this and other arguments.

1.3.1.1 Islandian sovereignty and partial independence: the self-determination advantages of affiliation

While the lingering ties between overseas territories and colonising powers appear paradoxical, particularly in regards to self-determination and post-colonial quests for freedom, some scholars have suggested that these types of governing arrangements can in fact have self-determination advantages. Introducing concepts such as "partial independence" (Rezvani, 2014) and "islandian sovereignty" (Prinsen and Blaise, 2017), these scholars have essentially challenged the dominant concept of Westphalian sovereignty, arguing that a people's free pursuit of development and determination of their political status (or constitutional position/relationship) may in fact be better achieved *within* a relationship with a larger state, particularly for smaller islands. This opens up for consideration of alternative understandings of what self-determination may require, if not full independence.

The mid-2000s saw a shift in the literature, away from understandings of overseas territory peoples as "vulnerable and dependent" and towards constructions of them as "networking and negotiating" (Prinsen and Blaise, 2017). Watts (2000) has suggested that smaller islands have been particularly incentivised to explore partnerships with larger powers, due to the dual pressures of raising living standards and pursuing influence in the world arena on the one hand, and upholding cultural distinctiveness on the other. This is consistent with the observation, made a decade later, that islands have been uniquely creative in crafting non-independence arrangements (Hepburn, 2012), evident in the wide array of currently existing constitutional relationships tying such territories to their respective metropoles (Prinsen and Blaise, 2017). Describing the aspirations of overseas territory communities as "a different kind of sovereignty", Baldacchino and Hepburn suggest:

> Political parties, sensitive to voters' wishes and concerns, may be keen to achieve a different kind of sovereignty, one that secures enhanced local autonomy (and especially in certain sensitive areas of policy); but ultimately maintains a special relationship with a benevolent patron. (Baldacchino and Hepburn, 2012: 563)

Behind the preference for constitutional advancement rather than full independence is perhaps what Getachew (2019: 30) refers to as a "confrontation with the nation-state's empirical and normative limits" following the end of the Cold War. Baldacchino and Hepburn (2012: 560) point to the changing nature of states in a "post-Westphalian system," where they are no longer the only important units for political decision-making. This has created a landscape where incentives are now arguably stronger for the exploration of arrangements outside of the independent state model, especially for smaller polities. Relatedly, researchers have argued that non-independent island polities should be studied in their own right rather than being "seen naively as [cases] 'in transit' toward full sovereignty" (Baldacchino, 2006b: 853).

In his book *Surpassing the Sovereign State*, Rezvani (2014) argues against the notion of full independence necessarily being a superior alternative for distinct peoples striving for self-determination, and

suggests instead that (forms of) metropolitan affiliation could entail advantages even in this regard. He describes what he terms "partially independent territories" (PITs) as having "significant advantages over sovereign states" (2014: 300), pointing to both economic-, security-, and self-determination advantages (2014; 2016). Rezvani (2014: 45) understands the essence of national self-determination to be "when a distinct population determines the nature of its own existence, regardless of the governmental form." This, in turn, is dependent on the extent to which a governmental form can fulfil a population's economic, political and security self-interest (ibid: 45-46). Rezvani holds that independence is not necessarily the ultimate realisation of self-determination if other alternatives create better conditions for this. In this account, the "quality of self-rule" (Rezvani, 2016: 278) becomes key, and it is believed that by giving up some powers, PITs can achieve greater quality through the advantages gained from affiliation (e.g. public goods such as defence, customs unions, fiscal transfers, single market access, expert advice, shared reputational association, 280-281):

> … the fulfilment of national self-determination is not only a function of the amount or scope of powers. […] More importantly, self-determination is fulfilled through the positive outcomes that those powers deliver. As the EU and partially independent accessions have shown, while the act of giving up powers reduces the scope of powers in limited respects, it can nevertheless deliver public goods that yield security, economic, and political benefits that can satisfy nationalist sentiments even more. (Rezvani, 2014: 308)

PITs are defined as: being nationally distinct and; constitutionally unincorporated; having a distinct set of rules, institutions, rights and powers that apply to them but not to other areas of the core state, and; sharing some credible (entrenched) final decision-making powers with a sovereign core state, which need to be difficult to change or remove unilaterally by either party (Rezvani, 2014: 100). Rezvani's classification of PITs, where he identifies roughly 50 such territories, includes current NSGTs French Polynesia, New Caledonia, Bermuda, the BVI, Cayman Islands, Turks and Caicos Islands (TCI), as well former NSGTs with similar colonial legacies and geographic characteristics such as Greenland, the Commonwealth of the Northern

Mariana Islands, Puerto Rico, and the former Netherlands Antilles (Curaçao, Sint Maarten, Bonaire, Saba and St Eustatius).

Aside from "partial independence," one of the key concepts to come out of the view of territory peoples as more actively using and even shaping their metropolitan arrangements is "islandian sovereignty," introduced by Prinsen and Blaise (2017). The fact that the formal decolonisation process seems to have come to a "virtual halt" (Turner, 2013: 1198) could be taken to mean that the remaining NSGTs are *rejecting* change, however the authors argue that this is not reflective of political realities in these territories. Rather than rejecting change, Prinsen and Blaise suggest, it is more accurate to say that territory populations and -leaders are actively seeking change *within* their metropolitan relationships. Independence may not have been pursued, but given how constitutional arrangements could be designed in different ways and altered over time, change is still very much a possibility.

Through a desktop analysis of negotiations between non-independent island territories and metropoles, Prinsen and Blaise identify five common mechanisms that island peoples and -leaders tend to employ, driving an emerging "islandian sovereignty." This is reminiscent of ideas of Indigenous sovereignty being exercised through "nation-to-nation" relationships with encompassing states. The five mechanisms are: *voting "no" in independence referendums; continuously negotiating constitutional exceptions; bending metropolitan laws or regulations; having shortfalls in their budgets covered by metropolitan financial transfers,* and*; signing international treaties or agreements that may be contrary to the interests of their metropoles.* While the first is rather self-explanatory, consisting in the observation that many territories have held referendums on independence where this option has been rejected, the latter four are worth expanding on as they relate to the structuring of territory-metropole relationships.

Continuous constitutional negotiations in order to obtain unique statuses and autonomy arrangements has been identified as characteristic of non-independent island territories (Prinsen and Blaise, 2017; Prinsen et al, 2017; Korson, 2021). This, Prinsen and Blaise (2017: 77) argue, is manifested in a wide range of territory-metropole

arrangements existing today, and in the seemingly "ever-changing" nature of these statuses, due to territory leaders being successful in renegotiating them to suit their particular needs. For this, it "does not really matter whether the metropole is France, the UK, the Netherlands, New Zealand, or the USA" (Prinsen et al, 2017: 333) – this relative success is found across cases with different metropoles. The authors further find examples of territories bending, postponing or ignoring metropolitan regulations, such as Aruba refusing to comply with the 2001 Dutch legalisation of same-sex marriage, or the French Pacific territories going against the French constitution's foundational principle of secularism.

While overseas territories tend to have considerable autonomy in managing their own budgets, shortfalls in domestic revenues are often covered by transfers from the metropole (Prinsen and Blaise, 2017). This is an example where metropolitan affiliation could also be considered as having self-determination advantages through its creating better conditions for the fulfilment of a territory population's self-interest (Rezvani, 2014: 2016). Finally, while the signing of international treaties is usually a prerogative of sovereign states, overseas territories have been found to be successful in convincing states to sign international bilateral agreements with them, and to withdraw from treaties signed by their metropoles (Prinsen and Blaise, 2017; Prinsen et al, 2017). With increasing globalisation, such territories have also explored the rather controversial practice of para-diplomacy (Bartmann, 2006), i.e. the diplomatic outreach beyond their borders and metropolitan relationships.

The arguments about "partial independence" and an emerging "islandian sovereignty," though they have been challenged (discussed in the following section), provide valuable starting points for thinking about self-determination within territory-metropole relationships. The emphasis on negotiating and continuously re-shaping constitutional arrangements on islander's "own terms" (Prinsen and Blaise, 2017: 57) appears closely related to ideas about self-determination's *constitutive* aspect as described by Anaya (1993). The ability to better fulfil a people's self-interest by using public goods stemming from the

metropolitan link to pursue development (Rezvani, 2014), in turn relates to the *ongoing* aspect of self-determination (the concepts of ongoing and constitutive self-determination are discussed further in Chapter 3, where the theoretical framework is presented). Based on Rezvani's and Prinsen and Blaise's arguments, the free pursuit of a people's development (enhanced by the material benefits of metropolitan affiliation to which many statistical studies have pointed, as discussed above) and the determination of their political status (or constitutional arrangement) might indeed be possible within a metropolitan relationship.

The perspective of overseas territory peoples as actively pursuing change as opposed to being passive beneficiaries should be welcomed as another step away from the previously dominant, "belittling view" (Hau'ofa, 1993) of smaller islands as being too small, too resource-poor and too isolated to ever not be at the mercy of larger states.[12] Prinsen and Blaise (2017) have further begun to bridge the gap between writings on Indigenous-state relations and writings on overseas territories – something that this thesis explores further.

If the crafting of metropolitan relationships can indeed be tailored according to the aspirations of territory communities, this may lead to an oft-cited "best of both worlds" where the smaller territory enjoys "many of the benefits associated with political sovereignty while delegating responsibilities, enjoying security and reaping the material benefits of remaining in association" (Baldacchino 2006a: 49). It could also then be assumed to provide favourable conditions for the pursuit of self-determination, if understood in line with Rezvani (2014). However, such – perhaps overly optimistic? – accounts have been criticised based on a range of distinctive problems associated with metropolitan affiliation, which will be discussed next. Following the discussion on problematic aspects of metropolitan affiliation, I will

[12] Hau'ofa famously challenges this view by distinguishing between the (Western) notion of "islands in a far sea", in which islands are viewed as tiny, confined and remote spaces *separated* by the ocean, and an alternative (Oceanic, ancestral) notion of "a sea of islands" which, instead, views islands as *part of* and *connected* by the ocean, thus not bounded in the same way.

outline the gaps that the present thesis seeks to address within ongoing academic debates.

1.3.2. The problems of metropolitan affiliation

While much of the scholarship on (post)colonial non-independence has focused on explaining this phenomenon with reference to positive development outcomes, other less tangible and quantifiable aspects of metropolitan affiliation have been highlighted in qualitative studies. Such studies have given rise to more critical perspectives on affiliation, highlighting problems related to identity construction, democratic deficits, paternalism and domination – all of which become relevant to discussions on self-determination.

The main critical (and interrelated) points raised in the literature may be summed up as follows: first, the image of the metropole as a "benevolent patron" (Clegg, 2018) has been questioned based on the observation that this does not appear to be wholly consistent with experiences and status debates in such territories, where affiliation typically remains contested (Veenendaal and Oostindie, 2018; Ferdinand et al, 2020). Second, the point has been raised that the quantitative studies assessing the development performances of non-independent island polities have been too narrowly focused on socio-economic indicators, thereby overlooking important social, cultural and political aspects – and costs – of metropolitan affiliation for territory communities (Androus and Greymorning, 2016). In particular, Indigenous communities have been argued to face disadvantages related to the influence and power of the metropole in such relationships (ibid; Perez, 2005; Bevacqua and Kuper; 2016). Third, these types of constitutional arrangements have been argued to entail democratic deficiencies (Fuentes-Rohwer, 2008; Corbin 2009a, 2009b, 2012; Veenendaal, 2015; Yusuf and Chowdhury, 2019b; Lin, 2019; Bosque, 2020), given the powers of metropoles to unilaterally implement laws in overseas territories as well as the lack of equal representation of territory populations in the political institutions of the metropole (Veenendaal, 2015; Lin, 2019), or their lack of participation in state-level referendums (Bosque, 2020).

1.3.2.1. Permanent contestation

Considering the well-documented benefits of metropolitan affiliation, along with the suggestion that island leaders have successfully negotiated and redefined constitutional relationships (Prinsen and Blaise, 2017), one could expect that such arrangements would be positively appraised by territory populations. Contrary to this expectation, however, case- and comparative studies have presented evidence that affiliation tends to be contested and overall perceived in rather negative ways. Ferdinand et al (2020), in a study covering political status debates in 40 (post)colonial, non-independent island territories, conclude that in "virtually all" cases profound dissatisfaction and frustration persist among island populations, as well as widespread fears of "re-colonisation".[13] While the concept of islandian sovereignty relies on the idea that territory peoples and -leaders are able to successfully restructure their metropolitan relationships to suit their needs and aspirations, Ferdinand et al (2020: 61) question whether this "is really that representative both for what is actually happening and for what politicians and the electorate actually make of the circumstances". The finding that fears of re-colonisation still exist in a vast majority of cases appears inconsistent with the image of territory peoples as having significant powers to reshape relationships on their own terms.

Discussing the reasons as to why levels of frustration and dissatisfaction tend to be high, Ferdinand et al (2020) suggest that this comes down to an awkward trade-off between levels of metropolitan support and levels of political and cultural autonomy, where territory peoples are unlikely to increase both. This is manifested in continuous debates and ambiguities concerning political status, where it has been suggested that metropolitan control, colonial legacies and cultural tensions make territory inhabitants perceive non-independence as "a rationally pragmatic, but ideologically, culturally, and possibly even psychologically deeply unsatisfactory political outcome" (Ferdinand et al, 2020: 44).

[13] The study includes all 15 island NSGTs.

This idea builds on the so-called "head versus heart dilemma" suggested by Veenendaal and Oostindie (2018) to be prominent in smaller, non-independent island territories. Through a survey study on the Dutch Caribbean territories, the authors find that metropolitan relationships tend to be considered valuable for pragmatic reasons but that Dutch interference is still resented. They conclude that in arrangements for metropolitan affiliation, material considerations constantly need to be weighed against ideational ones related to e.g. identity construction, resulting in an ever-present dilemma. This is thought to be particularly true in settings where local and metropolitan identities are difficult to reconcile (Veenendaal, 2016: 153). While Prinsen and Blaise (2017) view the "ever-changing" nature of contemporary territory-metropole arrangements as an indicator of islandian sovereignty, Veenendaal and Oostindie (2018) and Ferdinand et al (2020) thus instead suggest that this is indicative of the difficulties in structuring such relationships in a satisfactory manner, leaving them permanently contested and "inherently unstable" (Veenendaal, 2015; Veenendaal and Oostindie, 2018: 42).

1.3.2.2. Development for whom? The material benefits argument reconsidered

Arguments about the superior development performance of affiliated island territories (relative to independent small island states) have mostly gone unchallenged given the convincing statistical evidence discussed in the previous section. Most of the critical points raised against metropolitan affiliation have pertained to difficulties in balancing material and ideational concerns (Veenendaal, 2015; Veenendaal and Oostindie, 2018), or democratic problems (Fuentes-Rohwer, 2008; Lin, 2019; Yusuf and Chowdhury, 2019b; Bosque, 2020), rather than the material outcomes of these arrangements per se. However, the argument that metropolitan affiliation leads to better development outcomes has, in some instances, been challenged in and of itself.

Incorporating Indigenous perspectives into discussions on territory-metropole relationships, Androus and Greymorning (2016) suggest that

the argument that these arrangements are generally advantageous to island communities and that it therefore constitutes a rational choice (referred to as the "SNIJ hypothesis") is flawed. The authors argue that the SNIJ hypothesis relies too heavily on economic and socio-demographic indicators while failing to account for the social, political and cultural costs of colonisation, as well as for alternative concepts of development. Drawing on ethnographic fieldwork conducted in Corsica and Hawai'i, they emphasise that Indigenous communities may conceptualise development in ways that differ from those of metropolitan actors or other parts of territory populations, exemplified in resistance to touristic development based on its perceived, harmful effects on social and physical environments. The authors further point to the observation that the economic benefits associated with metropolitan affiliation tend to accrue differently to Indigenous versus settler populations, leaving the former at a relative disadvantage. Similar arguments have been made in regards to New Caledonia, where Korson (2021: 284) finds that "[n]ot all communities benefit equally, or at all" from the metropolitan relationship.

Androus and Greymorning (2016: 447) describe the costs of colonisation and subsequent affiliation as "loss of language, land and lifeways," and as an abrogation of Indigenous sovereignty through the ways in which present political arrangements continue to be informed by colonial legacies and characterised by paternalism. These points are reflected in studies on other overseas territories, where Perez (2005: 185) describes United States unincorporated and affiliated territories Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, American Samoa and the United States Virgin Islands (USVI) as struggling "in the face of cultural erosion, land acquisition, and ambiguous political status," with the US government maintaining plenary power and a "paternalistic grasp." Writing on language and the impacts of colonialism on Guam, Bevacqua and Kuper (2016) further observe how the territory underwent a "drastic social restructuring" following the end of WWII, with a shift to a wage economy and significant levels of immigration, and with English as opposed to the previously predominating Chamorro language becoming the lingua

franca. The latter is attributed to "[r]acist ideologies of English language supremacy," leading to Chamorro not being passed down to most of the post-war generation (Bevacqua and Kuper, 2016: 258). As Androus and Greymorning highlight, such social and cultural aspects are not accounted for in the studies underlying the SNIJ hypothesis.

These observations challenge the notion that the wellbeing of a territory population can be adequately measured through the types of economic indicators commonly used to examine relationships between political status and development, and reveal that metropolitan ties may be viewed more negatively at the local level than such metrics suggest. They also underscore the importance of self-determination, raising questions about how – and for whom – development is in fact pursued within contemporary frameworks of metropolitan affiliation. If affiliation provides important public goods as argued by Rezvani (2014), the questions of how such goods are used, according to whose aspirations and to whose benefit (i.e. what "people" is freely pursuing development?), also become relevant.

It should be noted that Androus and Greymorning (2016), Bevacqua and Kuper (2016), and Korson (2021) specifically focus on the effects of colonisation and metropolitan relationships on Indigenous communities. While some NSGTs (Guam, American Samoa, French Polynesia, New Caledonia, Tokelau) do have populations that are recognised as Indigenous, others do not. The populations of many NSGTs, particularly those in the Caribbean, could better be described as "arrivant" – a termed coined by Barbadian poet, author and academic Edward Kamau Brathwaite (1973) to describe peoples who were forcibly taken and imposed on the Americas through colonialism and slavery. This thesis, particularly through its case studies of the British Virgin Islands (BVI) and Anguilla (both having predominantly arrivant populations), engages with these critiques in contexts where the territory population is not Indigenous in the sense of having ties to pre-colonial societies, yet culturally distinct and where the very existence of the present relationship is indeed a direct product of colonisation.

Another challenge to the prevailing argument about advantageous metropolitan ties is found in Clegg (2018), discussing the UK's

relationship with its OTs in the context of Brexit. Clegg points to how metropolitan actions in relation Brexit and the imposition of stricter controls on the OTs' offshore financial sectors have been criticised for putting several territories' economic security at risk and overall placing them in a less favourable position. The common notion of the metropolitan state as a reliable "patron", he argues, is becoming increasingly inconsistent with realities in the OTs, as policy decisions taken in London are believed to leave them more isolated and vulnerable than before.

1.3.2.3. Democratic deficits

Bosque (2020: 163), while recognising that islandian sovereignty "has brought great benefits and advantages," also questions whether what Prinsen and Blasie (2017) describe is really "enough". Her critique is rooted in the case of the British Overseas Territories (BOTs) and Crown Dependencies (CDs), [14] and their exclusion from the 2016 Brexit vote. The fact that BOTs were not allowed to participate in the decision for the UK to leave the European Union (EU), despite having unique connections to the EU and despite being impacted by the decision, demonstrates in Bosque's view that their self-determination is still importantly restricted and that "the Westphalian sovereignty model is more alive than ever" (2020: 164).

Bosque's study relates to a wider strand of criticism of contemporary territory-metropole relationships, where democratic deficits have been highlighted as limiting territory peoples' abilities to participate in relevant decision-making processes. On the one hand, smaller, non-independent societies may rely on the larger state for the protection of human rights, the functioning of democracy and good governance (Veenendaal, 2016: 151; Veenendaal and Oostindie, 2018). Indeed, all of the island NSGTs as well as the wider group of overseas territories identified by Aldrich and Connell (1998; 2020) are classified as democracies with open electoral processes for their local governments and parliaments (Veenendaal and Oostindie, 2018: 26). On the other

[14] The Bailiwick of Guernsey, the Bailiwick of Jersey, and the Isle of Man.

hand, scholars in the fields of law (Fuentes-Rohwer, 2008; Lin, 2019; Yusuf and Chowdhury, 2019b; Bosque, 2020) and political science (Veenendaal, 2015; 2016) have argued that the constitutional arrangements that tie such territories to their metropoles in themselves entail, to varying degrees, democratic deficiencies.

Given how overseas territories and NSGTs are subsumed under the authority of their metropoles, the fact that many of their peoples lack voting power and representation on the national level has given rise to concerns.[15] Inhabitants of the US unincorporated territories,[16] for example, are subject to federal laws and regulations yet have no meaningful vote in Washington D.C since none of them – although they are US citizens – has any voting representative in the House or Senate nor an electoral vote in presidential elections (Fuentes-Rohwer, 2008; Corbin, 2009b; Lin, 2019; Misco and Stahlsmith, 2020).[17] As for representation, each territory has a non-voting delegate (or in the case of Puerto Rico, a resident commissioner) in the House of Representatives, however these positions only imply speaking rights and delegates cannot vote on final legislation (Bevacqua, 2010). Lin (2019: 1266, 1269) describes the unincorporated territory status as neo-colonial and creating a "real political deficit," where territory peoples are "frequently subjected to laws and regulations […] that are beyond their control and without their consent, often with dire consequences." Similarly, Misco and Stahlsmith (2020: 16) refer to the unincorporated status, with territories being considered owned by, but not part of, the US, as "part and parcel of a legacy of abrogated justice and democracy."

Fuentes-Rohwer (2008: 1553) describes the citizenship which has been granted to unincorporated territories as "second-class citizenship at best." He emphasises how democratic theory does not provide any

[15] This does not apply to the peoples of the French territories, with e.g. NSGTs New Caledonia and French Polynesia both sending representatives to the French National Assembly and Senate, and with their inhabitants enjoying the same electoral rights as voters residing in the metropole.

[16] Includes NSGTs Guam, American Samoa and the US Virgin Islands, as well as Puerto Rico and the Commonwealth of the Northern Mariana Islands.

[17] American Samoa is the only territory where US citizenship is not granted by birthright, and American Samoans are thus "US nationals" as opposed to US citizens.

support for the disenfranchisement and lack of representation of territory inhabitants, and how the present arrangement places them "in an unenviable and indefensible position, as they have no power to affect the very institution that holds full and complete discretionary powers over them" (ibid). Further, while residents of the unincorporated territories generally do not have to pay federal income taxes, they are subject to other federal tax laws, e.g. requiring that the territories have local tax laws that mirror those of the federal Internal Revenue Code, meaning that any changes in federal tax laws would apply to the territories without their input (Lin, 2019: 1248). While it has been described in stark terms as "illegitimate and in core tension with democratic values" (Fuentes-Rohwer, 2008: 1525), the unincorporated territory status has persisted for close to a century.

For the BOTs, metropolitan relationships have similarly given rise to democratic concerns. In the BOTs, a Governor appointed by the Crown rules alongside each elected territory government, typically having reserved powers and "special responsibilities" allowing them to intervene in local politics and, in some cases, pass legislation that would not be passed by the local democratic assembly (Yusuf and Chowdhury, 2019b: 185; Ferdinand et al, 2020: 53; O'Brien and Clegg, 2023). Further, while the UK Parliament constitutionally retains "unlimited power" to legislate for the territories (Hendry and Dickson, 2018; Yusuf and Chowdhury, 2019a), the OTs have no formal representation therein. UK citizenship has been extended to OT inhabitants since 2002, however no accompanying political powers such as voting rights or representation in the legislative body of the metropole have been provided (Corbin, 2009b).[18] This, along with the fact that the UK Parliament has no obligation to consult the OTs on laws that extend to them, has been argued to create a democratic deficit as OT citizens are "subject to laws over which they have no constitutionally recognised role" (Yusuf and Chowdhury, 2019b: 189-190). While the lack of

[18] While the British citizenship granted to OTs provides for the right of abode, which in turn includes the right to vote and stand for office in British elections, these rights are conditional upon living in the United Kingdom.

formal representation has been identified as problematic in relation to democratic ideals, Clegg et al (2022) suggest that OT leaders themselves may be reluctant to push it, based on fears that this might lead to a loss of autonomy.

On the democratic aspects of metropolitan affiliation generally, Veenendaal (2015: 18), writes that "[a]lthough the extent to which metropolitan powers can unilaterally implement laws and policies in the overseas territories differs per case, all non-sovereign territories experience this 'external' political interference." The point about "external" interference could be considered in connection to the relationship between sovereignty and democracy. Tansey (2011) points to a widespread assumption in contemporary political science that democratic rule requires sovereign statehood – an assumption which he questions, arguing for research to explore democratic government outside of the sovereign state structure. Using Krasner's conceptualisation of sovereignty as encompassing multiple elements – international legal sovereignty; domestic sovereignty; Westphalian sovereignty (the absence of external influence in domestic affairs), and; interdependence sovereignty – he suggests that domestic and Westphalian sovereignty, and particularly the freedom from external, foreign interference, are the most important requirements for democracy, while international legal sovereignty is considered less so. Thus, while a polity needs not be a *de jure* independent state for democracy to be realised, it needs to be free from *outside* interference in its domestic affairs for its authorities to be able to maintain a democratic link with the citizens.

When it comes to NSGTs, the question of "external" interference becomes complex given that many territories occupy ambiguous spaces in-between the foreign and domestic from the perspectives of their metropolitan states. The US unincorporated territories have been defined by the US Supreme Court as neither "foreign" nor "part of the United States," as belonging to but not forming part of the metropole, making them "foreign in a domestic sense" (Burnett and Marshall, 2001). Regarding the BOTs, while British citizenship has been extended to the territories, no OT is constitutionally part of the UK

(Hendry and Dickson, 2018; Yusuf and Chowdhury, 2019b: 189) and the lead department for OT relations in London remains the Foreign, Commonwealth and Development Office (FCDO). Given this in-betweenness, what should count as the type of external interference that, according to Tansey, undermines democracy is not quite obvious.

1.3.3. The need for a bottom-up study on self-determination

The extant literature on metropolitan affiliation clearly consists of widely opposing arguments as to what these present-day arrangements represent. The image becomes particularly blurred if we begin to consider what they might represent in regards to self-determination. On the one hand, authors have suggested that affiliation can bring about comparative advantages that better allow for territory peoples to freely pursue their own development, and that territory leaders are in fact also actively determining their own statuses in relation to the metropolitan state by continuously renegotiating constitutional arrangements. On the other hand, such ideas have been directly challenged with reference to widespread dissatisfaction, inequalities and metropolitan domination, and democratic shortcomings.

Common to all lines of criticism outlined here is the implicit centrality of self-determination. Yet, the relationship between metropolitan affiliation and self-determination has rarely been directly examined, particularly in studies drawing on first-hand accounts by those living under such arrangements. Further, the lack of a more determinate understanding of what self-determination even entails and requires leads to difficulties in analysing territory-metropole relationships with regard to this right. If the concept remains as vague as it has been, how can we begin to understand what governing arrangements contribute to realising or, conversely, undermining it? I argue that a study that builds on local perspectives on what is needed to realise self-determination for NSGT peoples, based on their experiences and ideas as to what this consists in, is needed to inform the debates outlined above and to develop an understanding of the concept that can serve to highlight where it is being upheld or violated within arrangements for affiliation.

The fact that NSGT peoples have found themselves at a standstill in regards to decolonisation calls for new theoretical approaches as to how the self-determination to which they are entitled may be promoted and safeguarded, outside of a transfer to the sovereign state model or at least until such a transfer is made. Such approaches should avoid an "oversimplified binary opposition between independence and dependence" (Grydehøj, 2016: 106) while recognising opportunities as well as problems that may come with "in-between" positions.

Authors such as Rezvani (2014; 2016) and Prinsen and Blaise (2017) have provided important starting points by introducing concepts that become directly relevant to discussions on (ongoing and constitutive) self-determination. This thesis builds on these ideas by considering how arguments made in favour of metropolitan affiliation as a way to realise self-determination – and arguments criticising it – relate to lived experiences in NSGTs, and what this in turn tells us about what self-determination can be thought to require. It can be added that "islandian sovereignty," while a promising concept, has mainly been studied in-depth in the context of one case (New Caledonia), and that Prinsen and Blaise (2017: 77) have called for more case studies to explore it further. This thesis considers their ideas in relation to other cases, particularly by engaging with the views of key actors in the BVI and Anguilla regarding possibilities and limitations for reshaping constitutional arrangements on islanders' terms.

As noted by Veenendaal and Oostindie (2018: 27), smaller island polities have received little attention in political research overall, and the perceptions of territory peoples themselves have seldom been included in studies of metropolitan affiliation. This constitutes an important empirical gap, leading to the voices of those who are most affected by these arrangements being largely excluded from academic debates. The scarcity of such studies further implies a risk that researchers will, as Melissaris (2004: 68) describes, "assume the content of the internal point of view of a different people based on the external observation of their practices." In these cases, for example, we might assume that the status quo is viewed as satisfactory or sufficient for self-determination to be realised, based on the observation that ties

have been retained when there is a recognised right to sever them. Considering the conflicting arguments presented above, however, there is arguably more to the story of overseas territories and their metropolitan relationships. This thesis seeks to address this gap by engaging directly with the perceptions of NSGT peoples.

A term that means anything indeed means nothing (Dahl, 1989: 2), and a goal that can be "neither defined nor opposed" (Cutler, 1992: xi) becomes essentially useless, as we cannot assess whether a particular governing arrangement contributes to or prevents its fulfilment. Broadly guided by the overarching idea of self-determination as having and ongoing and a constitutive aspect (Anaya, 1993; 1996), as these aspects have arguably been implicit in writings on affiliation by e.g. Rezvani (2014) and Prinsen and Blaise, (2017), this thesis offers a bottom-up analysis of what this is thought to require in NSGTs and how current forms of metropolitan affiliation relate to this. It draws on different types of qualitative data (interview-; local media-; addresses to UN decolonisation committees) that so far have been overlooked in political research on metropolitan affiliation, yet are essential for capturing first-hand perspectives on such arrangements.[19] It then considers how these perspectives relate to and inform writings in international law (Anaya, 1996; 2004) and political theory (Ypi, 2013; Stilz, 2015; Moore, 2016; Nine, 2022) pertaining to self-determination.

It can be added that when it comes to the two cases in focus for much of the thesis, the BVI and Anguilla, little work on their political situations has been done (exceptions include Bill Maurer's, 1993; 1995; 1997; 2000, studies on the BVI, and Don Mitchell's numerous essays on the history and politics of Anguilla), as has often been the case with the world's very smallest, supposedly insignificant, polities

[19] Exceptions include Androus and Greymorning (2016), who use field data and interviews conducted on Corsica and Hawai'i to contest the notion that metropolitan affiliation is universally beneficial, Grydehøj (2016) whose analysis of Greenland-Denmark relations is partly informed by semi-structured interviews with Greenlanders, and Korson (2021) who combines documents and interview data to analyse debates on voter eligibility in New Caledonia.

(Veenendaal and Corbett, 2015). This is an additional empirical gap that the thesis addresses.

1.4. Contributions and disposition

A first contribution of this thesis is that it provides grounds for questioning the notion that contemporary arrangements tying NSGTs to their metropolitan states are voluntary and thus not colonial, seeing how NSGT peoples have *not* (yet) acted on the right to terminate them. This has been a position held by metropolitan states the UK, US, and France (Aldrich and Connell, 2020: 26-27), and scholarly works have similarly pointed to a tendency among NSGT peoples to continue to opt for affiliation over independence (Baldacchino, 2010; Clegg, 2012; McElroy and Parry, 2012: 405; Prinsen and Blaise, 2017). While it is true that independent statehood has typically been rejected in political status referenda held in island territories over the past decades, I argue that this is not sufficient grounds for framing metropolitan relationships as voluntarily chosen *in their current forms.* As the thesis points to, this idea stems from a dominant, overly binary notion of self-determination as consisting in full independence, or at least in the right to choose independence or to conversely remain affiliated.

Demonstrating how the very possibility of terminating the relationship altogether contributes to the legitimisation of arrangements that undermine both ongoing and constitutive self-determination for NSGT peoples, the thesis suggests that additional criteria, aside from a right to exit, should apply within NSGT-metropole relationships to better safeguard self-determination for as long as such relationships persist. In relation to this, I argue for the development additional international legal frameworks for decolonisation and NSGT self-determination to complement existing ones, where the focus has remained narrowly on the right to choose a permanent political status. While this right is important and should certainly remain, it tells us little about the rights to which NSGT peoples should reasonably be entitled during the time until such a decision is made. As the thesis finds both constitutive and ongoing self-determination to be restricted in contemporary

relationships, it provides arguments for existing resolutions to be complemented by clearly articulated principles for the governing of NSGTs (similar to declarations and conventions pertaining to Indigenous-state relations, e.g. UNDRIP; ILO Convention 169).

A related contribution is that the thesis further develops the concepts of *ongoing* and *constitutive* self-determination first introduced in Anaya's (1993; 1996; 2004) writings on Indigenous self-determination, showcasing their relevance in relation to contemporary NSGT-metropole relationships. Regarding constitutive self-determination, I conceptualise this as encompassing the power to *create, modify, uphold,* and *end* the governing institutional order. A main argument of the thesis, following from its empirical analyses, is that the power (or the legal right) to terminate a relationship alone is not sufficient for constitutive self-determination, and that arrangements for metropolitan affiliation should be assessed based on the extent to which territory peoples are also able to modify (by re-negotiating arrangements with the metropolitan state from an equal position) and uphold the governing institutional order (by being safeguarded from unilateral actions by the metropolitan state to alter said order without their consent or participation). Empirically, the thesis identifies shortcomings in both regards for the studied territories, based on which it concludes that constitutive self-determination remains importantly restricted.

Regarding ongoing self-determination, I find that its elements (as described by Anaya: non-discrimination, self-government, social welfare and development, land and natural resources, cultural integrity) can be considered as relating to each other in a form of hierarchy based on the instrumental value they hold in fulfilling each other. The empirical analyses show that experiences of violations of other elements can often be traced back to a lack of self-government, described as self-determination's overarching political dimension. This element thus becomes particularly important for the realisation of self-determination. The thesis further demonstrates how arrangements for self-government (e.g. democratic inclusion) may differ depending on the interpretations of non-discrimination on which they are based, and

highlights the importance of NSGT peoples being included in processes of formulating what non-discrimination should mean in each case.

Regarding the relationship between constitutive and ongoing self-determination, the thesis uses cases of (actual and potential; past and present) unilateral constitutional suspension in BOTs by the British metropole to illustrate how the constitutive aspect risks being violated in efforts to promote the ongoing aspect (e.g. by combating corruption on the territory-level). Such actions, I argue, should not be permissible, as the thesis highlights the importance of safeguarding constitutive self-determination for contemporary arrangements not to revert to the fundamental wrong of colonialism (understood as political domination through a denial of constitutive self-determination, discussed further in Chapter 3).

The thesis further speaks to ongoing debates on affiliation by offering critiques of influential ideas about "partial independence" (Rezvani, 2014; 2016) and "islandian sovereignty" (Prinsen and Blaise, 2017; Prinsen et al, 2017). Recognising their usefulness in exploring spaces in-between independence and integration, I do not argue for a dismissal of these ideas. However, I do suggest that additional aspects should be considered before conclusions are drawn as to whether "islandian sovereignty" has really been exercised or whether cases of "partial independence" truly fulfil self-determination.

On islandian sovereignty, I argue, based on the understanding of constitutive self-determination that the thesis proposes, that studies need to pay attention not only to observations of constitutional negotiations taking place, but also to power dynamics within such negotiations, including who sets their parameters, and to the powers of territory peoples to uphold governing arrangements once they have been negotiated. If these aspects are overlooked, we risk drawing overly optimistic conclusions regarding NSGT peoples' powers to determine their own statuses. Although constitutional negotiations do take place, the lack of real constituent power for territory peoples to substantively and meaningfully modify the governing order and to then uphold it would in turn explain the lingering, widespread fears of re-colonisation in these settings (Ferdinand et al, 2020).

Relatedly, the thesis demonstrates the importance of considering territory peoples' own perspectives, to uncover aspects of metropolitan relationships that have been largely absent from ongoing debates. This includes the observations that constitutional negotiations still tend to be experienced as limited due to the metropole retaining a superior position, and that the powers of metropoles to unilaterally alter or suspend governing arrangements are considered locally as significant threats to self-determination. Further, the thesis shows that if the metropole takes a statist, binary approach to self-determination, viewing it largely as a choice between either staying affiliated or pursuing full independence, this tends to have stifling effects on local debates which may in turn explain the aforementioned lack of major constitutional change, rather than this being explained with reference to island voters being truly content with their present situations (Baldacchino, 2010: 188). In regards to ideas about non-independent islands "recrafting" sovereignty (Hepburn, 2012), the thesis cautions against viewing this in overly optimistic terms, by identifying situations where positions in-between independence and integration risk undermining rather than promoting self-determination.

On partial independence, while Rezvani (2014: 100) does emphasise that PIT-state arrangements should include credible guarantees against either party unilaterally altering the arrangement, the thesis questions the classification of BOTs as PITs based on past and present cases of (actual, potential) unilateral constitutional suspension. In these cases, the powers of OT peoples to uphold the governing institutional order are clearly limited, which challenges the notion of their statuses having self-determination advantages. In the field data from the BVI, views of a "colonial" relationship, with a lack of self-government and with the metropole "dictating," were articulated. This indicates that in the eyes of their inhabitants, present-day PITs may not be as conducive to realising self-determination as Rezvani suggests, although the status may still be considered preferable to full independence.

1.4.1. Disposition

Chapter 2 provides a historical background of post-WWII decolonisation and the emergence of self-determination as an international norm and legal right, as well as of the evolution of the British metropole's approach to the governing of Overseas Territories (since a large part of this thesis focuses on BOTs specifically).

Chapter 3 covers theoretical writings pertaining to the concept of self-determination, introduces the theoretical framework and presents the research design and methodological framework.

Chapter 4, the first empirical chapter, analyses addresses made by NSGT representatives to two UN decolonisation committees, the Fourth Committee and the Special Committee on Decolonisation, from 2015 to 2024. This is aimed at uncovering broader themes and patterns in regards to how metropolitan affiliation has been characterised by those living under these arrangements.

Chapter 5 (as well as Chapters 6, 7 and 8) takes a more in-depth approach and analyses views and experiences of metropolitan affiliation in specific cases, based on field data from two NSGTs and BOTs: the British Virgin Islands (BVI) and Anguilla. Here, questions of how ideas of self-determination are understood and debated on the territory level are addressed.

Chapter 6 inquires into the arrangements that tie the BVI and Anguilla to the British metropole, and how these arrangements relate to ongoing self-determination. Here, attention is paid to the elements of cultural integrity, non-discrimination, the use of land and natural resources, and social welfare and development.

Chapter 7 continues the discussion on ongoing self-determination by connecting the findings from Chapter 6 to its overarching political dimension of self-government.

Chapter 8 moves the discussion into the domain of constitutive self-determination, inquiring into the powers and abilities that OT peoples in the BVI and Anguilla have to shape the governing arrangements under which they live.

Chapter 9 presents arguments pertaining to: how self-determination for colonised peoples may be conceptualised, and in turn safeguarded and promoted, and; whether present arrangements for metropolitan affiliation are consistent with such a conceptualisation, based on the findings of the prior chapters.

Chapter 10 summarises the findings and arguments of the thesis and discusses their implications.

Chapter 2: A short history of decolonisation and the governing of Overseas Territories

This chapter provides a condensed, historical background to better situate the contemporary phenomenon of metropolitan affiliation and "unfinished" decolonisation. It consists of two parts, where the first traces ideas and legal developments pertaining to self-determination from the early years of post-WWII decolonisation to the present-day. Given that much of the thesis focuses on the cases of the BVI and Anguilla, both Caribbean British Overseas Territories (BOTs), the second part specifically outlines developments regarding the British metropole's approach to the governing of its (Caribbean) OTs from the early 1970s to today. It should be noted that the metropolitan position does not make up the main empirical focus of the thesis, which is instead aimed at examining views, experiences and ideas on the territory-level. However, past and present metropolitan ideas and actions regarding the OTs are covered in part in this chapter through a consideration of previous research, key documents structuring UK-OT relations, and contemporary parliamentary debates.

2.1. Twentieth-century decolonisation and the rise of the sovereign state

The most intense phase of twentieth century decolonisation took place in the, roughly three, decades following the end of WWII in 1945. During this time, anti-colonial and nationalist movements intensified around the colonised world, demanding independence and seizing the post-WWII "window of opportunity" for the reconstruction of national self-determination as a universal principle (Knudsen, 2020; Hansen,

2022: 37). This happened concurrently with a global shift in values and the spread of an "emancipatory ideology which sought or claimed to liberate the nation and humanity itself" (Duara, 2004: 2), with colonial institutions being increasingly recognised as contrary to self-government in their subjecting peoples to alien domination (Anaya, 1996: 109). Twentieth century decolonisation may thus be described as a dual process involving: in the realm of politics and economics, the simultaneous dissolution of several intercontinental empires and the creation of well over a hundred new sovereign nation-states, and; in the realm of discourses, the global delegitimization of colonial forms of rule, understood as subjugation to a power elite consisting of alien occupants (Jansen and Osterhammel, 2017). The latter may be described, as Philpott (2001) suggests, as a "revolution in ideas" – a precondition for a subsequent "revolution in sovereignty" through which the very constitution establishing basic authority in the international system is overthrown. Philpott identifies two such revolutions in world history: the first being the Protestant Reformation culminating in the Peace of Westphalia in 1648, and the second being, precisely, colonial independence in the twentieth century.

It should be noted that Philpott has been criticised for being rather Eurocentric in treating "Westphalia as origin" and thereby presenting a slanted account of decolonisation which neglects the contributions of non-Western ideas, norms and religions (Kayaoglu, 2010).[20] Scholars have further cautioned against exaggerating the ideational link between Westphalia and post-WWII decolonisation with reference to fundamental differences between the imperial state system in the centuries following 1648 and our contemporary system of nation-states and international institutions resulting from anticolonial struggles for self-determination (Kelly and Kaplan, 2004; Getachew, 2018; 2019; Hansen, 2022). Still, Philpott is arguably right in characterising post-WWII decolonisation as an international revolution in ideas through

[20] E.g. "Westphalia began and colonial independence completed […] the extension of the sovereign state to the entire land surface of the globe" or "The first [revolution] fashioned a system of sovereign states for the European continent; the second [revolution] replicated this system everywhere." (Philpott, 2001: 255).

which an old order was scrapped and a new one established, making it possible for colonies to become full members of the community of sovereign states. During this time, the landmark UN Resolution 1514, adopted in 1960, laid out the principles and framework for future UN practice in decolonisation. As Resolution 1514, as well as subsequent declarations on decolonisation, was passed by large majorities (a total of nine abstentions included the remaining colonial powers Great Britain, France, the United States, Belgium, and Portugal), most of the world evidently regarded colonial independence as legitimate at this point (Philpott, 2001: 156). Shortly thereafter, the two largest empires – Britain and France – came to relinquish most of their colonies, demonstrating the link between international norms and state action.

However, the "revolution" which marked the end of formal empire did not happen overnight, or (as indicated by their abstaining from the vote on Resolution 1514) with any meaningful initial backing from the colonial powers. In the years immediately following the end of WWII, there was no expressed right to independence for non-self-governing territories, although their self-administration and "progressive development towards self-government or independence" was encouraged in the 1945 UN Charter (Roepstroff, 2013: 14). Hansen (2022) demonstrates how European imperial powers were incentivised to retain links to their colonies, with e.g. Britain drawing heavily on colonial resources to address its economic decline in the late 1940s, and resisted their transfer to independence well into the 1950s. A common discursive strategy for this purpose would be to frame colonial relationships as "interdependence, association or partnership" (Hansen, 2022: 43-44) so as to make them look modern, equipped for the future and preferable to a system of independent nation-states:

> If Western Europe dreaded the prospect of a collapsing colonial order it also tried to convince the colonized to feel the same. One of the strategies pursued was to reiterate the world's growing 'interdependence' in the postwar era—similar to our time's globalization mantra. As part of this, a nation-state system was portrayed as obsolete and anachronistic, even before it had seen the light of the day. (Hansen, 2022: 43)

The point that the nation-state system had not "seen the light of day" relates to the understanding of our present international system as fundamentally distinct from the imperial state system of the colonial era. In this understanding, the emergence of the contemporary international system represents not, as Philpott has described it, a continuation or extension of Westphalia, but rather a break with it. Analysing the origins of the "nation-state", Kelly and Kaplan (2004) point out that while most discussions have described the concept as originating in Europe in the Enlightenment era or earlier, the general usage of the term "nation-state" as we know it today arose in the context of post-WWII decolonisation. While "nations" and "national states" were recognised, competed with each other and colonised the world in the imperial era, Kelly and Kaplan (2004: 137) hold that the idea of this "national state"[21] as "suited to competition, conflict and conquest" was vastly different from the collection of formally symmetric, self-determining nation-states formed in the process of "recasting the world as United Nations" (ibid: 134) in the wake of WWII. The states that make up the "UN world," described as engines for limiting rather than extending political will, have key features and restrictions which distinguish them from those of the imperial era, post-war UN planners became committed to ending the European empires, securing peace and advancing the causes of colonised nations.

Hansen (2022) similarly critiques the notion that the contemporary system of nation-states is the invention of Westphalia, arguing that it is better understood as a reaction and alternative to, rather than a continuation of, European designs. Getachew (2019), relatedly, challenges the narrative of decolonisation as an expansion of existing international society by recasting the Westphalian system not as one which protected its member states from domination through principles of equality and non-intervention, but as one built on unequal integration and hierarchy. Anti-colonial nationalists would seek to challenge this system by redefining and reinventing its key principles (e.g. associating self-determination both with economic and political independence,

[21] Hansen (2022) refers to this as an "imperial state", fundamentally different from the nation-states that make up the contemporary world.

2019: 25). Getachew emphasises how the right to self-determination, through its guarantees of independence and equality, "secured the formal conditions of international nondomination necessary for the domestic exercise of self-government" (2019: 11), and how it thereby differed fundamentally from the previous order. In this understanding, post-WWII decolonisation may be read as an even more significant and radical "revolution in sovereignty" than what Philpott suggests, in that it represented a break not just with empire as a form of rule but also with the previous Eurocentric order through the establishing of equality, anti-imperialism and non-domination as central principles.

Today, however, it remains questionable whether this "revolution" has truly succeeded in cementing these principles as fundamental parts of the world order, and the idea of independent statehood as a way to safeguard the self-determination of peoples has relatedly come to be challenged. Ruth Lapitdoth observed in 1992 that an increasing interdependence of states had led to the virtual disappearance of "sovereign equality," with the United States being the only country at the time that could be considered to be truly independent, stating that "[o]ne could doubt whether real equality existed in the past, but today it certainly does not" (Lapidoth, 1992: 335). Similarly, Getachew (2019: 179) describes an "era of unrestrained American imperialism" and a "striking return to […] a hierarchical international order" in the decades following the end of the Cold War, standing in stark contrast to the post-WWII anticolonial quest for sovereign equality and a domination-free international order. In other words, the decades following the end of WWII were marked by the rise of the right to self-determination, closely linked to the rise of the sovereign (presumably equal) state, however the decades following the Cold War would come to cast doubt on the notion of "equally sovereign" states.

In a way, the aforementioned strategy employed by colonial powers in the early years of post-WWII decolonisation, i.e. to pre-emptively emphasise "interdependence" and the already anachronistic nature of the new nation-state system in order to retain colonial relationships (Hansen, 2022), appears to have been built on a somewhat accurate, although premature, prediction. Still, as the fact of interdependence of

course should never legitimise colonialism, questions remain as to what this means for self-determination and decolonisation in the present-day.

The sections below outline these developments in more detail, in order to contextualise the contemporary phenomenon of (post)colonial metropolitan affiliation and the question of self-determination for the remaining NSGTs.

2.1.1. The legitimization of modern empire

When thinking about contemporary concepts such as "partial independence" (Rezvani, 2014), it is important to also consider the historical use of concepts like semi- or "quasi-sovereignty" (Benton, 2010) within and across European empires. Benton (2010: 227) describes how ideas of "quasi-sovereignty" and anomalous legal spaces (small, semi-autonomous units within empires) circulated the world in the late 19th century, as "phrases denoting a category in between 'foreign' and 'domestic' migrated across empires and regions."[22] Benton points out that while early modern empire was sustained by Roman analogies of civility and backwardness, including the representation of some places and peoples in terms of "semi-civility" (Benton, 2010: 231), its formulation depended on an understanding of it as *different from* the Roman empire and its aspirations to world dominion (ibid: 235). Modern empire would draw its legitimacy from ideas of layered or shared sovereignty, and from the existence of "multiple polities inside the empire that retained in different degrees some measure of formally recognised authority" (ibid). Depending on where they would fall on the supposed scale between backwardness and civility, polities could hold such authority to varying and changing degrees and thereby also be able to retain some Indigenous political formations (the colonial objective being their "gradual change"), with full sovereignty being reserved for the imperial power (ibid: 245).

Simpson (2016) similarly describes the late 19th and early 20th centuries as a period during which sovereignty was reformulated and came to be understood as dispersed and variegated. Sub-categories such as "semi-

[22] This is reminiscent of the present status of the US unincorporated territories, described as "foreign in a domestic sense" (Burnett and Marshall, 2001).

sovereigns" were established to organise relations among the European powers, but also to "control and govern the expression of sovereign desire" (2016: 578) in colonised territories. He concludes that during this time, when self-determination was not yet a legal norm, early claims to it were sublimated through the use of "pseudo-sovereignties" (ibid), e.g. guarantees of minority rights or forms of indirect colonial administration, leading to a defanging of self-determination and a reformulation of empire.

2.1.2. The 1940s and -50s: Imagining pathways to freedom

The end of WWII marked a turning point for how self-determination would come to be understood. While anticolonial movements certainly predated the war, it was their appropriation of the discourse of self-determination in its aftermath that came to give the concept far more visibility and legitimacy than before, making it one of the most central ideas in international politics (Simpson, 2014: 312).

Driven by a desire for emancipation, anticolonial thinkers and -leaders at the onset of post-WWII decolonisation did not necessarily envision the nation-state model as the only vehicle to achieve this. The 1940s and -50s constituted a phase of "intense political imagination about postcolonial forms of sovereignty" (Jansen and Osterhammel, 2017: 161), where the nation-state model was far from the only point of reference. In the years following 1945, a range of paths to colonial emancipation were imagined as "the contours of the postwar order were not yet fixed" (Wilder, 2015: 1).

Federalists such as Kwame Nkrumah (the Union of African States, 1958-63) and Eric Williams (the West Indies Federation, 1958-62) recognised the limitations, due to e.g. small size and scale, of some postcolonial states, cautioning that such states would be formally and nominally "free" but that economic dependence and vulnerabilities in relation to international trade and finance would create conditions for other forms of political domination to be exercised (Getachew, 2019). To secure international non-domination, these leaders emphasised regional federation as a strategy that would allow former colonies to develop trade linkages among themselves, guard against political and

military interventions, and demand greater representation in the international field (ibid: 109). In the Middle East, similar ideas of pan-Arabism were pursued by Gamal Abdel Nasser (the United Arab Republic, 1958-61), as a method for avoiding isolation, ensuring security and augmenting Arab power (Uçaner, 2022). In India, Mohandas Gandhi articulated ideas of *swaraj* – meaning not merely independence but "self-rule" as freedom from domination – as a key political goal to deliver the world from Western exploitation (Kelly and Kaplan, 2004: 148). According to Gandhi, this would require "not mere constitution of independence, but recognition of interdependence, not the mere balancing of interests but the pursuit of justice" (ibid).

In Martinique and Senegal, public intellectuals and leaders Amié Césaire and Léopold Sédar Senghor attempted, although ultimately unsuccessfully, to "invent forms of decolonisation that would secure self-determination without the need for state sovereignty" between 1945 and 1960 (Wilder, 2015: 1). Their ideas of self-determination were not rooted in the founding of separate national states, nor in the integration of overseas peoples into the French metropole as it existed at the time. Rather, they sought to fundamentally transform the metropole and reconstitute France itself into a decentralised and democratic federation that would include former colonies as freely associated states (ibid: 2). As colonial resources and labour had been instrumental in creating the metropolitan society, colonial peoples should, in Césaire and Senghor's views, have more far-reaching economic and political claims on said society following decolonisation. A complete separation through a transfer to independent statehood would not be sufficient to ensure such claims, and Césaire and Senghor thus envisioned decolonisation as the institutionalisation of a persisting "long-standing internal relationship," rather than an external one.

Of course, these attempts were ultimately unsuccessful, with Senegal seeking independent statehood and Martinique integrating into France without fundamentally changing the metropole in ways that Césaire had initially imagined. Still, they presented challenges to the idea that decolonisation should consist in state sovereignty and complete separation (with the colonising power remaining largely unchanged

after relinquishing its colonies), by instead raising the question of whether colonial peoples should have rights to not simply separate from or integrate into, but to reconstitute and transform, the metropole. As Wilder argues, these "failed" ideas are not obsolete but could rather be seen as ahead of their time, with "unrealised emancipatory potential" (2015: 16) relevant today for rethinking self-determination.

2.1.3. The 1960s and -70s: Triumph of the nation-state

Despite the colonial powers' efforts to cast doubts on the nation-state model in the 1940s and -50s (Hansen, 2022), and despite anticolonial thinkers' and leaders' seeking alternative approaches to emancipation, self-determination and "worldmaking" (Kelly and Kaplan, 2004; Wilder, 2015; Getachew, 2019), in the 1960s the nation-state did nevertheless emerge as the "generalised form of sovereignty" (Jansen and Osterhammel, 2017: 162). Alternatives such as regional federalisation disappeared, with all of the abovementioned projects proving to be rather short-lived. Getachew (2019) explains the demise of regional federations with reference to disagreements about the balance between the union and the independence of its members. While federalists embraced these political structures as mechanisms for safeguarding "a union of diverse and distinct political entities," they also came to embrace centralisation and the creation of a strong, interventionist and hegemonic federal centre in their searches for institutions that could address economic underdevelopment and redistribution (ibid: 131). On Nkrumah's federal project, Getachew (2019: 138) concludes that the "possible loss of independence to a Union of African States and the ways that it might exacerbate internal instability and fragmentation produced as much concern as the external threats that the postcolonial predicament posed."

With this, the 1960s saw the globalisation of the nation-state model. Now, the emergence of a right to self-determination is largely associated with the universalisation of this model (Getachew, 2019: 107; Knudsen, 2020). While social and political movements for decolonisation were initially highly various in their aspirations, they were later "repeatedly forced to attempt to fit their dreams and goals

into the limits of the nation-state form, to become nations or part of a nation" (Kelly and Kaplan, 2004: 142) due to the spread of the "postwar logic that reduced colonial emancipation to national liberation and self-determination to state sovereignty" (Wilder, 2015: 4).

This has included even some of the smallest colonies, emerging as microstates in the late 1960s and -70s. For example, Nauru (population ~10,000 upon independence) and Tuvalu (population ~7,000 upon independence) became independent in 1968 and 1978 respectively. 33 smaller island territories have transferred to independent statehood since the end of WWII (McElroy and Parry, 2012). Their motivations have been explained with reference to democratic ideals, i.e. desires to make governments more responsive to citizens, as well as desires to safeguard their own languages, religions, cultural and social practices and traditions providing "the distinctive basis for a community's sense of identity and yearning for self-determination" (Watts, 2000: 19). Watts (2000) further notes that such pressures have been particularly reinforced in islands, where a sense of distinctiveness has been emphasised by geographic factors. Independence was thought to lead to more self-determining societies, and was therefore viewed as desirable even for the smallest, insular territories at this time.

2.1.4. The 1980s and -90s: Casting doubt on the sovereign state

It was not until the 1980s that problems of smallness and colonially induced dependency would begin to be recognised as particularly straining on the island states that had taken the independence route (Prinsen and Blaise, 2017: 63). In the years that followed, and especially after the end of the Cold War, the overall idea of the self-sufficient and fortress-like state as the "consummation of political experience", would come to be increasingly challenged against the backdrop of globalisation and growing international legal, political and economic interdependencies (Getachew, 2019: 30; Lapidoth, 1992). While the independent state model came to be seen as *the* solution for decolonisation in the 1960s, the subsequent decades were characterised by its seeming "fall from intellectual grace" (Rodrik, 2013: 5).

Osiander (2001: 283) points to a "clear de facto trend" away from classical sovereignty with near-total autonomy of states and towards growing interdependence in the global system, where states' participation in this network has been "voluntary in principle but difficult in practice to escape because of the high costs escaping would entail." Further, full participation in international relations requires that states behave in ways that conform to the prevailing powers' expectations and rules, effectively limiting their abilities to act fully independently (Scott, 2012). Bonilla (2017) thus rejects the notion of a Westphalian order built on *equally sovereign* states as a Western "provincial myth" given the structures of systemic inequality into which former colonies have had to enter (see also, Getachew, 2019). She further observes that the notion of the sovereign state is "giving way to the recognition of the non-sovereign nature of most social relationships" (2017: 333) including political ones, which typically require negotiated forms of interdependency.

In sum, the present international system of nation-states – the "UN world" (Kelly and Kaplan, 2004) – was very much an outcome of post-WWII decolonisation, although it was not planned by nor necessarily a preference of early anticolonial movements and -thinkers. The universalisation of this model, premised on the universalisation of the principle of national self-determination where independent sovereignty and self-determination came to be viewed as closely tied (Lapidoth 1992; Wilder, 2015; Bonilla, 2017), altered the international order in its discursive as well as political domains. It was not until the end of the Cold War that the limitations of the fully sovereign nation-state, with a "monopoly on internal political and economic decision-making" (Getachew, 2019: 31) came to be questioned.

Today's world, described by some as "post-Westphalian" (Baldacchino and Hepburn, 2012; Getachew, 2018; 2019), is vastly different from that of the mid-twentieth century, and with that the conditions for emerging or acting as an independent state have also arguably changed. The last NSGTs – having remained on the side-lines of decolonisation and observed the early attempts at seeking various pathways to self-determination; the subsequent rise of the nation-state model as the

universalised path, and finally; the struggles of smaller island states and growing scepticism against the image of "equally sovereign" states from the 1980s and onward – are now left in what appears to be an awkward impasse, or an "infinite pause" (Aldrich and Connell, 2020: 445). They are still formally colonies, but in a world where the traditional outcome of decolonisation appears to have become increasingly less attractive, particularly for smaller territories.

2.1.5. Non-self-governing territories and UN decolonisation efforts

United Nations Resolution 66(1), adopted in 1946, established a list of NSGTs (at that time including 72 territories). An NSGT is, according to the UNGA, a territory whose people has not yet attained a full measure of self-government and exercised its right to self-determination. An NSGT can be said to have decolonised when its people has opted for a permanent political status, being either: emergence as an independent state; free association with an independent state; integration with an independent state, or; the "emergence into any other political status freely determined by a people" (GA Resolution 1541, XV, 1960; GA Resolution 2625, 1970).

As discussed above, the 1960s saw the most intense phase of decolonisation, with the adoption of Resolution 1514 serving as the clearest manifestation of the delegitimization of colonial rule among the international community. To monitor the application of Resolution 1514, the *Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*, also known as the Special Committee on Decolonisation or the Committee of 24 (C24)[23], of the UNGA was established in 1961. The C24 is a subsidiary body of, and reports to, the *Special Political and Decolonisation Committee*, also known as the Fourth Committee.

At the time the Committee of 24 commenced its work, the number of territories classified as NSGTs was far greater than today's 17, and the

[23] The name stems from the fact that the committee had 24 members in 1962. The number of members has since increased; however, the committee is still commonly referred to as the C24.

millions of inhabitants residing in these territories made up a much greater proportion of the total world population, naturally leading to decolonisation being viewed as a more pressing issue. Indeed, from a third of the world's population having lived under colonial rule in 1945 to only 0.02 percent of it presently residing in an NSGT (Yusuf and Chowdhury, 2019a: 441), and with more than 80 territories having been designated NSGT status and then "graduated" to decolonised status over the same time period (Turner, 2013: 1197), UN decolonisation efforts can be deemed successful. However, the graduation of NSGTs slowed down greatly in the 1980s and -90s, and appears to have come to a complete halt since 2002 when Timor-Leste gained its independence. Now, in what has been declared by the UNGA as the "Fourth International Decade for the Eradication of Colonialism" (2021-2030), decolonisation is rarely prioritised by governments or international organisations, however the C24 and the Fourth Committee are still active with sessions and regional seminars on decolonisation being held annually. Chapter 4 will return to the UN decolonisation committees, and analyse addresses made to them by NSGT representatives during these meetings.

In 1976, scholar James Mittelman pointed to the remarkable number of new states, formed as a result of decolonisation in the preceding decades, being home to "nearly one-third of the human race" (1976: 41). At the same time, however, he highlighted that the tasks of decolonisation would not be complete "until the final demise of external domination is achieved" (ibid), stating:

> The fact that a Committee on Decolonisation still operates only underscores the world community's unfulfilled duty to honour the pledges that were formulated in 1960 to subjugated peoples. That the Special Committee is 15 years old is not a source of pride. It is a regrettable state of affairs that colonialism endures 30 years after the signing of the San Francisco Charter, and 16 years subsequent to the Declaration on the Granting of Independence to Colonial Countries and Peoples. (Mittelman, 1976: 64)

Today, the Special Committee is more than 60 years old and still working for the decolonisation of the last NSGTs. Since the publishing

of Mittelman's article, another 20 territories[24] have been removed from the UNGA's list, most commonly through a transfer to independent statehood but in rarer cases through integration with the metropolitan state (Cocos (Keeling) Islands-Australia), through the establishing of relationships of free association with the metropole (Marshall Islands-US; Federated States of Micronesia-US; Palau-US), or through a transfer to commonwealth status (Northern Mariana Islands-US). Since the 1990s, only a handful NSGTs have been de-listed. The 17 NSGTs that remain have proven difficult to decolonise in ways that would be acceptable to the C24, which has prompted some scholars to criticise the committee's approach to decolonisation as being overly rigid and outdated (Turner, 2013; Perham, 2013; Yusuf and Chowdhury, 2019a). Perham (2013: 13), for example, argues that the political status options laid out in UN Resolution 1541 are too limited and "may fail to meet the aspirations of the people of non-self-governing territories". While UN Resolution 2625, adopted in 1970, has expanded the options to include "any freely determined political status", which opens up for consideration of a wide range of arrangements in theory, this potential fourth option has been little discussed (Perham, 2013).

Others scholars have warned that the view that the remaining NSGTs could not be sustainable as separate units has led to attempts by metropolitan states to legitimise and "seek accommodation for the status quo colonial arrangements" (Corbin, 2009a: 260). In the last decades, administering powers the UK, US, and France have indeed been reluctant to cooperate with the C24, and have protested the listing of their territories as NSGTs by arguing that they are, in fact, not "colonies" but societies whose peoples have voluntarily opted for affiliation and partnership (Aldrich and Connell, 2020: 26-27). Corbin (2009a: 87) suggests that a "colonial contentment argument" meaning the argument that these relationships are voluntary, have been

[24] Seychelles 1976; Djibouti 1977; Solomon Islands 1978; Dominica 1978; Tuvalu 1978; St Lucia 1979; St Vincent and the Grenadines 1979; Kiribati 1979; Zimbabwe 1980; Vanuatu 1980; Belize 1981; Antigua and Barbuda 1981; St Kitts and Nevis 1983; Cocos (Keeling) Islands 1984; Brunei Darussalam 1984; Northern Mariana Islands 1990; Namibia 1990; Marshall Islands 1990; Federated States of Micronesia 1990; Palau 1994; Timor-Leste 2002.

modernised and now entail real self-governance, is continuously invoked and not sufficiently challenged. He argues that cosmetic reforms and changes in form rather than substance (e.g. delegated rather than devolved powers, or the term "British Dependent Territory" being changed to "British Overseas Territory" with a new UK policy in 1999), have been implemented with metropolitan powers seeking accommodation rather than decolonisation. Such defences of present arrangements could be thought to somewhat mirror the ways in which empire in the 19th and 20th centuries managed legitimacy challenges through its framing in terms of layered, variegated and shared sovereignty between imperial powers and quasi-sovereign polities.

Is the continuing work of the C24 and the lack of de-listings in the past decades a sign that, as Mittelman phrased it in 1976, "colonialism endures"? Or is it a sign that the international community's interpretation of decolonisation has been overly narrow, leaving the remaining NSGTs with a set of options that may not suit present conditions? In this thesis, I will argue that it is, to some extent, both.

2.2. The UK and (Caribbean) Overseas Territories

As several of the empirical chapters of this thesis (Chapters 5, 6, 7) are centred on its case studies of BOTs the BVI and Anguilla, it is necessary to provide some background on the British metropole specifically.

Following the collapse of the West Indies Federation in 1962, the larger islands Jamaica and Trinidad and Tobago sought full independent statehood. However, the smaller territories were more reluctant to do the same, and UK authorities thus needed to create a new governing framework for them, resulting in the West Indies Act of 1962. This remains the statutory legal basis for the constitutions of the BVI, TCI, Cayman Islands and Montserrat (Clegg, 2006; Hendry and Dickson, 2019: 17). Given Anguilla's longstanding association with St Kitts and Nevis, the territory did not become a separate British Dependent Territory (now BOT) until 1980, and the legal basis for its Constitution is therefore provided in a separate act (Anguilla Act 1980).

Today, each OT has a separate constitutional relationship with the UK, while not being constitutionally part of the metropole. The constitutions of BOTs are contained in Orders in Council, made by the British monarch acting on the advice of the Privy Council. For one to be amended or replaced, further Orders in Council (alternatively, an Act of Parliament) are needed. There is no prescribed procedure for this, but typically the practice has been to reach political agreement on the texts of constitutional amendments or new constitutions through negotiation between UK and BOT representatives, and for the UK Government to seek evidence for popular support for such texts in the territory, by resolution of the locally elected government, by referendum, or by public consultation (Hendry and Dickson, 2019: 31).

Each OT constitution allocates powers and responsibilities to the Crown (generally: defence; external affairs; internal security; the public service), Governors serving as the Crown's representative in-territory, and elected governments (generally: the economy; education; health; social security; immigration, Clegg, 2006: 135). However, the most fundamental principle of UK-OT governance is the supremacy of the metropolitan Parliament, giving it "unlimited power" to legislate both for the UK and OTs, and weigh the interests of each as it pleases (Hendry and Dickson, 2019: 22-23).

While British citizenship has been extended to the OTs since 2002, OT inhabitants may not vote in metropolitan elections or referendums unless they relocate to the metropole (by virtue of their right of abode). The OTs do not have formal representation in the UK Parliament, but do have London offices serving to facilitate communication between OT- and metropolitan representatives. OT leaders also discuss regularly with UK- and other territory ministers through the Joint Ministerial Council (JMC), an annual forum held in London. In most OTs, the Governor, appointed by the British monarch, chairs the Executive Council or Cabinet, makes a range of public appointments, and serves to explain metropolitan policies to the territory (FAC, 2008: 16).

Governors exercise varying levels of executive[25] and legislative[26] functions, and their powers are usually shared with the local executive and legislative institutions of the OT (Yusuf and Chowdhury, 2019b: 181-182). Although elected OT governments are generally responsible for insular affairs, Governors do, to varying degrees according to the constitution of each territory, have the right to intervene in local politics (Ferdinand et al, 2020; O'Brien and Clegg, 2023). The roles of Governors are more extensively discussed in Chapter 7.

Below follows a brief timeline of the evolution of UK-OT relations.

2.2.1. The 1970s to 1990s: Expecting independence

For much of the 1970s and -80s, UK approaches to the colonised territories were characterised by "benign neglect" and encouragement for full independence, with the principle since 1973 being that independence should be conferred where it is a "clearly and constitutionally expressed wish of the people" of a territory (Thorndike, 1989: 118). The mid- to late 1980s saw a period of "partial re-engagement" from the side of the metropole following the Argentine invasion of the Falkland Islands in 1982, and growing problems of corruption in the TCI (Clegg, 2006: 137). However, these relationships

[25] These functions commonly include responsibility for external affairs, defence, internal security and the public service, as well as "assignment of responsibilities of local Ministers, proroguing powers, powers of appointment, and powers to constitute offices, powers of pardon, powers to dispose of Crown Land and emergency powers" (Yusuf and Chowdhury, 2019: 182)

[26] The legislative powers of the Governor vary between OTs. Yusuf and Chowdhury (2019b: 185) note that "Governors may have reserve powers that enable them to pass through legislation that may not be passed by the local democratic assembly, however defined." (Yusuf and Chowdhury, 2019: 185), and Corbin (2012: 179- 180) similarly points out that "[u]nder the prevailing model, the unelected governor maintains a veto power over the elected legislative council, [...] has the power to annul, and/or decline to assent to legislation adopted by the elected legislative body of the territory", that "[t]he additional authority of the governor to impose legislation unilaterally on the territory without the consent and often against the will of the elected government […] has been termed the 'nuclear option' in the UK House of Commons", and that "such powers granted to an unelected official from the metropole are illustrative of a clear imbalance of power and democratic deficiency."

still remained rather *ad hoc* and characterised by only sporadic metropolitan interest, which could be traced back to "pragmatic" British colonial administration (Clegg and Gold, 2011: 115) along with the assumption in Whitehall and Westminster that the territories were soon to become independent. Due to this "bias for independence," the 1970s to late 1990s generally saw a set of arbitrary, fragmented governance arrangements with "[l]ittle sense of post-colonial purpose or shared vision" (Hintjens and Hodge, 2012: 190).

2.2.2. The late 1990s: Re-engagement

In 1999, the situation changed significantly with the publishing of the White Paper *Partnership for Progress and Prosperity* by the "New" Labour government. The White Paper has been described as indicative of a "paradigm shift" in UK-OT governance (Hintjens and Hodge, 2012), in the sense that it represented a clear attempt to "refocus and renew" these relationships. It thus signalled a dramatic change in the UK approach, from the aforementioned *laissez faire* norm, lack of coherence and engagement, and insistence that the territories should seek an early transfer to full sovereignty, to a sense of "shared post-colonial responsibilities." Here, there was an emphasis on self-determination along with recognition of the principle that independence should *not* be imposed on territory populations that did not desire it (ibid: 192). This may be used, as Yusuf and Chowdhury (2019b: 171) suggest, as a "'temporal marker' from which to distinguish the contemporary period from the period of British imperial governance."

The White Paper was preceded by a review involving all OTs (with the exception of the Sovereign Base Areas) and covering UK policy towards all territories. With acknowledgement of the fact that most territory inhabitants did not express a wish for full political sovereignty at this time, and with the conviction that they should not be forced into it against their will, came a need for more long-term coherence in UK-territory governance. The 1999 White paper thus stated that a new, modernised partnership "should reflect not only the close and long-standing links between the Overseas Territories and the UK – but also the new dynamics of a changing and forward-looking relationship"

(FCO, 1999: 6). This new partnership was based on four fundamental principles: self-determination; mutual obligations and responsibilities; freedom for the territories to run their own affairs to the greatest degree possible, and; commitment from the UK to help the territories develop economically and to assist them in emergencies (FCO, 1999: 11).

The White Paper referred to a "modern and effective partnership" based on the "deep bond of affection and respect that exists between the people of Britain and the peoples of the Overseas Territories" (FCO, 1999: 4). It further emphasised:

> … our partnership must be founded on self-determination. Our Overseas Territories are British for as long as they wish to remain British. Britain has willingly granted independence where it has been requested; and we will continue to do so where this is an option. It says a lot about the strength of our partnership that all the Overseas Territories want the constitutional link to continue. And Britain remains committed to those territories which choose to retain the British connection. (FCO, 1999: 4).

While self-determination was described as a foundational principle, this was the only paragraph in the White Paper where the concept was elaborated upon (all in all, the term was mentioned twice in the 43-page document). The above paragraph indicates a rather binary understanding of self-determination as something that is exercised by either requesting independence or "wish[ing] to remain British." In relation to democracy, the White Paper did state that "the people of the Overseas Territories must exercise the greatest possible control over their own lives", that "[w]e applaud their achievements, and want them to have the autonomy they need to continue to flourish," and that "the UK should uphold the right of the individual territories to determine their own future and to enjoy a high degree of autonomy" (FCO, 1999: 4; 8), which could certainly be linked to self-determination in a wider sense (e.g. *self-government*, Anaya, 1996), however no discussion regarding how a "partnership" should ensure this was presented. The term "decolonisation" was not mentioned in the White Paper.

Shortly after the publication of the White Paper, British citizenship, and with it the right of abode, was offered to all BOT citizens (BOTC) with

the 2002 *British Overseas Territories Act*. With the same act, the nomenclature was changed from "Dependent Territory" to "Overseas Territory" to better reflect ideas of a modern partnership. Further, the UK government asserted that it would continue to assist the OTs in achieving sustainable development and eradicating poverty. Departments for the OTs were set up in both the Foreign and Commonwealth Office (FCO) and the Department for International Development (DFID) in order to provide greater coherence in policy-making and facilitate dialogue between the UK and its territories (ibid: 14). Today, the UK government's relations with the OTs are primarily handled by the Foreign, Commonwealth and Development Office (FCDO), which was formed when the FCO and DFID merged in 2020. The FCDO has eight ministers, one being the Minister for the Overseas Territories and Sustainable Development.

2.2.3. 2010s and -20s: Relationships under strain

In 2012, the UK government published another White Paper titled *Security, Success and Sustainability* in an attempt to, once again, renew UK-OT links. This was in part a reaction to the Coalition government's perception that relations with the territories had become increasingly difficult at this time, with several political and economic problems in the OTs thought to require stronger action (Clegg, 2012: 467). Building on the 1999 White Paper, the 2012 document was described as a "strategy of reengagement" (FCO, 2012: 6), one part of which was the establishment of the Joint Ministerial Council (JMC) for UK- and territory representatives to "monitor and drive forward" collective priorities (ibid: 7). Broadly, the 2012 White Paper focused on three main goals: a strengthened engagement between the UK and OTs; the strengthening of good governance, public financial management and economic planning in the territories, and; improved support to the OTs.

The 2012 White Paper, echoing its predecessor, again stated that "[t]he UK Government's relationship with its Territories is a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British" (FCO, 2012: 11). The word "partnership" was used frequently (34 times) throughout the 128-page

document. “Self-determination,” in turn, was used five times, most clearly in the document’s introduction:

> The 1999 White Paper *Partnership for Progress and Prosperity* set out a new relationship between the UK and its Overseas Territories based on the principles of self-determination, mutual responsibilities, and autonomy, and a pledge of UK help when needed. British citizenship was extended to most of the people of the Territories. The Coalition Government’s strategy endorses and builds on this work. (FCO, 2012: 11)

In other parts of the document, the term “self-determination” was mainly used in connection to the UK’s role in protecting the OTs from external threats (e.g. “The UK is committed to defend the Territories and protect their peoples from external threats, ensuring their right of self-determination”, FCO, 2012: 8), which primarily related to Argentina’s claims to sovereignty over the Falkland Islands. No discussion on what self-determination required in terms of the structuring of UK-OT relationships was provided in the document. “Decolonisation” was used only in the context of the following excerpt:

> The UK believes that the UN’s Decolonisation Committee (the C24) no longer has a relevant role to play in respect of our Territories. The British Territories on the Committee’s list have a large measure of internal self-government and have all chosen to retain their link to the UK. In the UK’s view, all our Territories should have been delisted a long time ago. (FCO, 2012: 84)

UK-OT relationships have officially been structured around principles of shared responsibilities, self-determination and local autonomy since the publishing of the 1999 White Paper. The 2012 White Paper has been viewed largely as a step in the same direction. However, events in the mid-to late 2010s and early 2020s have increasingly put these relationships under strain. This includes Brexit, where the OTs (with the exception of Gibraltar) did not have a vote in the 2016 referendum despite being affected by its outcome in several respects (Clegg, 2016; 2018; Bosque, 2020). This included aid, as the EU had been an important source of financial and post-disaster reconstruction support, sustainable development and disaster risk prevention funding for

several OTs (Clegg, 2018). It also included diplomatic relations (ibid), as "being associated with a supranational body like the EU […] guaranteed small and isolated territories a level of diplomatic and international recognition" (Benwell and Pinkerton, 2016: 12) and opportunities to discuss with member states as well as other territories through associations like the Association of the Overseas Countries and Territories of the European Union (OCTA). In relation to trade, free access to the EU market had been crucial for many OT economies, and in terms of free movement, the link to the EU had provided freedoms for OT citizens to travel, work, study and reside in the EU, and to have EU citizens travel to and work in the OTs (Clegg, 2018).

The fact that the OTs were not allowed to participate in the Brexit vote despite having important and unique relationships, representations and legal connections to the EU (see also Adler-Nissen and Gad, 2013) has been used to challenge concepts like "islandian sovereignty" (Bosque, 2020). Further, during the campaign leading up to the referendum, the "possible impacts of Brexit for the UKOTs were barely considered" (Clegg, 2016: 549), exemplifying how decisions that impact on the lives of OT peoples are taken outside of their control, in a metropole where their interests are marginalised. Discussing this, Bosque argues:

> […] it is reasonable to assume that Brexit is not an exceptional situation. In the future there will be more and more relevant international issues for these territories which will remain outside of their direct control, but will have a direct impact on them. Thus, if no adjustments are made to their statuses, these territories will have to keep trusting that the UK is able to represent their interests at the same level as its own interests. (Bosque, 2020: 152)

Another development impacting on UK-OT relations was the passing of the 2018 *Sanctions and Anti-Money Laundering Act* (SAMLA), which extended to the OTs and required that publicly accessible registers for the beneficial ownership of companies be introduced everywhere. Offshore finance is an important source of income for several BOTs, with e.g. the BVI, Bermuda, Cayman Islands and the TCI having been classified as so-called "PROFIT" economies (Bertram,

2006: 7).[27] When the Panama Papers were leaked in 2016, revealing how offshore shell and shelf companies were used to facilitate money laundering, tax evasion and other forms of economic crime, it sparked much international debate on transparency, particularly regarding beneficial ownership (Hatchard, 2018). Beneficial owners are, in short, "natural persons who ultimately own or control a legal entity or arrangement, such as a company, a trust, a foundation, etc" (IDB and OECD, 2019: 3). Without public registers, it is possible to obscure the identities of beneficial owners by having them remain concealed behind nominee directors or shareholders (Hatchard, 2018: 185). With the leaking of the Panama Papers, pressures increased for states to introduce public registries in order to prevent crime.

The UK, having already been the first G20 country to introduce such a register in 2015, did initially resist the idea of demanding that OTs should also make information on beneficial ownership publicly available (Hatchard, 2018: 195). However, in 2017, the question of money laundering had become salient to a point where a major piece of legislation – the Sanctions and Anti-Money Laundering Bill – was introduced in the House of Lords, and later amended in the House of Commons to include a requirement that OTs create public registers. This amendment was heavily criticised by territory representatives and -inhabitants who demonstrated their disapproval by participating in large protests and stating that the metropolitan decision to legislate directly for the OTs without their consent was undemocratic (Clegg, 2018: 159). It was also criticised by some UK Ministers (most notably Lord Ahmad, former Minister for the Overseas Territories, and Sir Alan Duncan) who warned that direct legislation would damage the territories' autonomy and threaten the progress that had been made so far regarding UK-OT cooperation (Hatchard, 2018: 197).

Despite this criticism, SAMLA came into force in 2018. This has been controversial in the OTs, with e.g. the Chef Minister of Gibraltar describing it as an "unacceptable act of modern-day colonialism" (Yusuf and Chowdhury, 2019b: 158). In addition to the decision being

[27] People considerations, resource management, overseas engagement, finance, insurance and taxation, and transportation.

viewed as undermining the OTs' internal self-government, there were also concerns that the introduction of public registers would have detrimental effects on their economies, putting them at a relative disadvantage seeing as this was not a global standard at this time (Hatchard, 2018: 198).

Although ideas of "partnership" have been at the core of documents structuring UK-OT governance since 1999, metropolitan policy decisions in the context of Brexit have called these ideas into question and resulted in more negative views of the metropole (Clegg, 2018). In addition to Brexit and SAMLA, the UK government's actions in relation to hurricane relief and support to the Caribbean OTs following the devastating impact of Hurricane Irma in 2017 have been viewed as slow and lacking (ibid). Taken together, these events have come to shed light on OT "vulnerabilities that come with, and not in spite of, their close ties to the UK" (ibid: 151).

In 2019, The House of Commons Foreign Affairs Committee (FAC) published a report titled *Global Britain and the British Overseas Territories: Resetting the relationship,* in an attempt to "[rethink] how the Government and Parliament interact with the OTs" and "ensure that the UK's bonds with the OTs remain strong" (FAC, 2019a: 3). This report was published in light of the aforementioned developments which had put UK-OT relationships under strain, with "Global Britain" being the UK's post-Brexit foreign policy strategy. Despite consultations being held with OT representatives as the report was prepared, the document ended up presenting a set of recommendations to the UK government that were perceived as controversial by OT representatives and citizens. Recommendations included, for example: the abolishing of *belongership* (a local status serving as a form of citizenship, discussed more extensively in Chapter 7); the legalising of same-sex marriage, if necessary through Order in Council, and; the laying out of a "clear and detailed timetable" for the publication of registers of the beneficial ownership of companies (FAC, 2019a: 30).

It should be noted that the report merely presented recommendations as opposed to setting out principles or provisions relating to UK-OT governance, and that it did not hold the same weight as the White Papers

and legal acts previously discussed. However, these recommendations still clearly demonstrated that the metropole may indeed legislate directly for the OTs, with such actions further being encouraged by a group of elected British officials.

In April 2019, the UK government, in a response to the FAC report, stated that it did not have plans to phase out belongership in the territories, nor to impose same-sex marriage as had been recommended by the FAC (FAC, 2019b). Since immigration decisions as well as marriage law are primarily considered to be matters for OT governments, the UK government stated that it would "encourage dialogue" but reject the FAC's recommendations to grant voting and electoral rights to all British citizens in the OTs or legalise same-sex marriage by Order in Council. However, regarding the recommendation on setting a deadline for the introduction of public registers of beneficial ownership, the UK government stated that it would prepare an Order in Council to have such registers in place in each OT "as soon as possible" in order to ensure compliance with SAMLA (ibid).

In 2023, a Joint Declaration between the UK and OT governments was published, titled *Joint Declaration of governments of the United Kingdom and British Overseas Territories: a modern partnership for a stronger British family.* The declaration was aimed at creating more collaborative relationships between the metropole and OTs, and included commitments by the UK government to consult OTs on legislation that would extend to them; to engage closely with OT governments on constitutional review; to support the development of bilateral compacts between the UK and OTs; to promote collective interests in international fora; to support OT governments to accept additional responsibilities, and; to "respect the Constitutional roles of elected Governments, legislatures, the UK, and Governors" (FCDO, 2023).

Table 2. below presents a brief timeline of the key moments described here.

Table 2. Key moments in UK-OT governance

Key moments in UK-OT governance	
1962: *West Indies Act*	Provides the statutory legal basis for the Caribbean OTs' Constitutions, with the exception of Anguilla.
1980: *Anguilla Act*	Provides the statutory legal basis for the Constitution of Anguilla.
1970s-late 1990s: period of fragmented arrangements.	Since the OTs were expected to transfer to independence, the forming of long-term political relationships was not prioritised.
1981: *British Nationality Act*	Established British Dependent Territories Citizenship (now BOTC).
1999: *Partnership for Progress and Prosperity* (White Paper)	Based on the principles of self-determination; mutual obligations and responsibilities; freedom for territories to run their own affairs, and; commitment from the UK to help territories develop economically and to assist them in emergencies.
2002: *British Overseas Territories Act*	Granted British citizenship to BOTC; established the term "Overseas Territories" to replace "Dependent Territories."
2012: *Security, Success and Sustainability* (White Paper)	Aimed at enhancing cooperation and partnership. Led to the creation of the Joint Ministerial Council (JMC).
2016: the Brexit vote	OT peoples outside Europe were not included in the referendum.
2018: *Sanctions and Anti-Money Laundering Act (SAMLA)*	Instance of the metropole legislating directly for OTs, demanding public registers of the beneficial ownership of companies.
2019: *Global Britain and the British Overseas Territories: Resetting the relationship* (Report)	The report constituted an attempt to renew and strengthen UK-OT links. It presented a series of recommendations to the UK government pertaining to the governing of the OTs.
2023: *Joint declaration of governments of the United Kingdom and British Overseas Territories: a modern partnership for a stronger British family*	Reaffirmed the "the deep, historic, and enduring partnership" between the UK and OTs, based on the areas: stronger global family; empowering territory governments; mutual expectations and responsibilities; sustainable development; excellence in public service; implementation and oversight.

2.2.4. The OTs in contemporary debates

As showcased above, metropolitan documents have typically used the term "partnership" to describe UK-OT relationships, while framing the right to self-determination largely as the right to separate or conversely to retain the UK link. This final section considers how these relationships, and OT self-determination, have been characterised and discussed in contemporary parliamentary debates on the metropolitan level. While this thesis focuses mainly on territory-level perspectives, providing at least some basis for understanding metropolitan perspectives is important.

A previous study by Harmer (2018) analysed parliamentary debates on the BOTs in the House of Lords and the House of Commons between 2010 and 2016 (a total of twelve debates). The study found that the ambiguous status of OTs "engendered at times a complicated and contentious discourse," in relation to e.g. offshore finance, direct legislation for the OTs or their representation within the UK legislature, where MPs and Lords would grapple with uncertainties about rights and obligations (2018: 394). This section draws on two more recently held debates, in the House of Commons and in the House of Lords respectively, both from 2023. These debates, published as Hansards, have involved multiple British MPs/Lords and pertained specifically to OT relations, making them fitting for a brief consideration of contemporary metropolitan discourses.

In the parliamentary debates on the OTs, relationships have, again, often been described with reference to "partnership." The right to self-determination has also been emphasised in relation to this. Conservative MP Alicia Kearns, for example, has stated:

> It is worth reiterating that all British Overseas Territories enjoy the right to self-determination, as set out in Article 1 of the UN Charter. They decide their own Government and their own constitutional relationship with the United Kingdom. The fact that they have decided to maintain a constitutional link with us does not diminish this most sacred of rights. (UK House of Commons, 2023)

Here, UK-OT relationships are described as being shaped in accordance with the will of OT peoples ("They decide […] their own constitutional

relationship"), which implies that there would indeed be opportunities for exercising self-determination in its constitutive aspect, even outside of a transfer to full independence. In this framing, OT peoples are understood to be able to (re)define their metropolitan relationships, which would then speak in favour of "islandian sovereignty" (Prinsen and Blaise, 2017) being exercised. In the same debate, frequent references were made by Kearns and others to "partnership," "family" and "Global Britain" (48 references were made to "family," 13 to "partnership," and five to "Global Britain"). Conservative MP and former Minister for the OTs Amanda Milling described:

> Dotted across the globe, in some of the most remote and hard-to-reach locations, are our overseas territories. They are some of the most beautiful places in the world, but they are not just beautiful. They lie in strategically important locations, giving the UK a global footprint, but above all, they are part of the British family. (UK House of Commons, 2023)

Similarly emphasising "family" as well as the value of the OTs to the metropole, Conservative MP James Sunderland held:

> The Overseas Territories are a vital part of our UK family. They are strategically essential in terms of footprint basing and geography, but they are also essential to the projection of UK soft power around the world. They have a common language and culture, they have similar hopes and aspirations and we must not underestimate or take for granted their value to the UK. […] We need to do more to cement our relationship with the Overseas Territories. They should not be seen as somehow subordinate to the UK. They simply want to be partners, and self-determination must therefore be perceived as well as real. (UK House of Commons, 2023)

Here, the value of the OTs to the UK (global footprint; soft power) is emphasised, as is the importance of self-determination in a partnership where the territories should not be "subordinate." It is also implied ("We need to do more"), however, that self-determination being "perceived as well as real" is not currently the case in UK-OT relationships. Margaret Ferrier, Independent MP, similarly emphasised that "[t]he Government must ensure that the British Overseas Territories are not merely an afterthought – an extra appendage to the

UK – but recognised as a partner". This point was further reinforced by Conservative MP Rob Butler, stating that "there has been a feeling that the OTs have sometimes been victims of a situation where others try to define their problems and find solutions to them, whereas they need and want to do it for themselves, with support offered and available but not imposed" (UK House of Commons, 2023).

The above points to an awareness among British MPs of present problems in UK-OT governance, such as a lack of recognition of OT interests, or ideas and interventions that have developed from a primarily metropolitan standpoint while lacking cultural awareness and sensitivity. Nevertheless, conceptualisations of present relationships as "modern partnerships" have been pervasive. Interestingly, Dame Maria Miller (Conservative), stated on self-determination and on the powers of the UK to legislate for the OTs:

> Self-determination is crucial to the overseas territories, but, by virtue of the fact that the Crown, through the Foreign, Commonwealth and Development Office, has quite large powers to legislate and direct, we have a responsibility to our overseas territories here in Parliament to ensure that those powers of Government are exercised carefully and fairly, and this debate is part of that today. (UK House of Commons, 2023)

Here, the value of self-determination is explicitly recognised, and this is followed by a consideration of the powers of the UK to legislate directly for the OTs. However, these powers per se, with OT peoples' lacking meaningful, effective participation in such decisions, are not described as inherently problematic. Rather, this becomes dependent on British officials exercising such powers "carefully and fairly."

In a 2023 debate in the House of Lords Grand Committee, Lord Lancaster (Conservative) stated:

> While each territory is unique in its relationship with the UK, the one thing that underpins that relationship is that all British OTs enjoy the right to self-determination. The fact that they maintain a constitutional link with the UK is ultimately their choice. I am sure noble Lords will join me in reaffirming our commitment to defending that principle. (UK House of Lords, 2023)

While clearly affirming a right to self-determination, this quotation points to a rather binary understanding of its content which echoes that expressed in the 1999 and 2012 White Papers. Here, the right to self-determination is only talked about in the context of OT peoples choosing to maintain their links to Britain (no other direct references to self-determination were made in this debate). It should be noted that the ambiguity in the OTs' statuses identified by Harmer (2018) was reflected in this debate as well, e.g. in relation to the lead department for OT relations remaining the FCDO, Lord Lancaster stressed that "our OTs are not foreign." Lord Cashman (Labour) further suggested that the UK legislate directly for the OTs on same sex-marriage, so as to "take a lead in respect of those overseas territories that will not address the outrage of marriage inequality themselves" – a point that was reinforced by Lord Collins of Highbury (Labour), stating that "to be part of the British family there are obligations which must be fulfilled pertaining to the values we all share." However, Lord Goldsmith (Conservative) held that while being a "massively important part of the UK family," "these islands are not subject to direct rule from Westminster." This points to diverging understandings of what the metropole's role should be in ensuring that the values thought to characterise a "British family" are upheld, and what constitutes legitimate courses of action in relation to territories which are "not foreign," yet not constitutionally part of the UK.

While several references were again made to OTs as valuable members of a "British family" (eight references to "family" were made in this debate), both the House of Lords and the House of Commons debates were rather silent on the topic of decolonisation. In the former, no references were made to the colonial status of the OTs or their decolonisation. In the latter, the words "decolonisation," "colony" or "colonial" were mentioned in total seven times, however most in the same address by conservative MP David Jones, questioning the colonial designation of the OTs:

> The Government must […] consider the stance of the United Nations, whose special committee on decolonisation has judged that all 10 permanently inhabited overseas territories have not yet attained a

> measure of self-government. I would question that. Gibraltar, for example, enjoys a huge degree of self-government […]. Constitutionally, the UK may legislate for the overseas territories. That plays into the narrative that appears to have been adopted by the special committee: that the territories continue in reality to be colonies. […] I have no doubt that the Gibraltarians are entirely happy with the current position. They certainly would not regard themselves as colonials. (UK House of Commons, 2023)

While a right to self-determination is recognised both by British MPs and Lords, that right is also thought to consist mainly in the voluntary retention of ties to the metropole (with the right to exit being affirmed) and to be largely fulfilled through current levels of self-governance, although some MPs have indeed raised the question that self-determination should also require for OTs to not be subordinate, and for their peoples to be able to define problems and solutions for themselves. Thus, the position stated in the 2012 White Paper, i.e. that the UNGA's colonial classification of the OTs is illegitimate, remains. As Alyn Smith, SNP, argued in the 2023 House of Commons debate: "where that right to self-determination is a right to independence, it is also a right to decide to be a British overseas territory and to have whatever representation it wants to have within this framework."

One can note that there are some references in this, rather limited, material that point to a view of self-determination among British MPs as possibly broader than simply consisting in the choice to either remain a BOT or to separate. Smith, in the above paragraph, does not only emphasise the right to remain but also the right to have "whatever representation" within that framework, and Kearns, quoted earlier, suggested that OTs "decide their own constitutional relationships" with the UK. Sunderland and Butler both stressed the need for OTs to not be seen as subordinate or dictated for by the metropole. This implies that there are ideas among British parliamentarians that could be connected both to the constitutive and ongoing aspects of self-determination (Anaya, 1996), however the in-between positions of the OTs continue to create uncertainties in regards to their governing.

2.3. Concluding remarks

The main purpose of this chapter has been to provide some contextual background, both to the emergence of the right to self-determination during post-WWII decolonisation, and to the British metropole's historical and present approaches to its OTs in particular. These brief historical backgrounds become important to situate the following, empirical chapters on the contemporary situations of NSGTs and OTs.

However, the chapter has not only served to provide a timeline – it has also highlighted ideas that figured long ago and have since mostly been forgotten, but that may be relevant to consider today. When thinking about what colonising powers owe to colonised peoples, we now tend to refer to resolutions (Ga Res 1514; GA Res 1541) stipulating that peoples should be free to determine their political statuses by pursuing independence, or to integrate or enter into free association with an independent state (the latter two options, however, also require the state's consent). Some will also invoke rights to reparations. The ideas that Aimé Césaire and Leopold Senghor had in the early years of post-WWII decolonisation, however, were far more radical (Wilder, 2015). They suggested that simply separating would not be sufficient, and that colonised peoples in fact had greater claims to the metropolitan societies which exceeded a granting of independence. Regarding the integration option, simply being granted a room in the house that was France would be equally insufficient – in Césaire and Senghor's views, colonised peoples had a right to alter its very foundation, move its walls, and rearrange its furniture. While these aspirations ultimately were not realised, they demonstrate how decolonisation and the claims of colonised peoples can and have been thought of differently, and that such thinking can have possibly far-reaching implications.

Another important point relates to the British metropole's stance regarding its OTs. Here, the position has long been that OTs certainly have a right to pursue independence. Based on the fact that they have not done so, the FCO (2012) has argued that they should be delisted as NSGTs. As shown in the previous section, this view has been reiterated in more recent parliamentary debates, where the right to self-determination tends to be linked to the right to remain "British."

Whether these retained, evolved arrangements could make possible "islandian sovereignty (Prinsen and Blaise, 2017) or constitute the types of paths to self-determination that Césaire and Senghor envisioned, or whether they represent, as Corbin (2009a) has warned, "colonial contentment," is a question that requires further analysis. This is undertaken in the following empirical chapters, but first I will present the theoretical and methodological framework.

Chapter 3: Theory and methods

With Chapter 2 having outlined the rise of the right to self-determination and its ideational connections to the parallel rise of the sovereign state in the context of post-WWII decolonisation, Chapter 3 now proceeds to discuss the concept of self-determination more thoroughly. Chapter 1 demonstrated how the many observed, relative benefits of metropolitan affiliation for smaller island territories have provided convincing explanations as to why such territories have not severed their constitutional ties to former colonising powers. At the same time, it also pointed to a host of problems identified in previous studies, relating to metropolitan domination, democratic deficits and continuous frustration and dissatisfaction. Taken together, these observations highlight the need to think through self-determination, how it relates to metropolitan affiliation and how it could be realised for those territories and peoples which have not pursued traditional models of decolonisation. This chapter begins with a theoretical discussion on conceptualisations of self-determination, in international law and in political theory, and presents a framework inspired by legal scholar James Anaya's ideas about self-determination as having an *ongoing* and a *constitutive* aspect. This is followed by a methodological discussion on the research design, methods and materials used for the following, empirical chapters.

3.1. Self-determination without independence?

With the globalisation of the nation-state model, and prevailing views of political independence as the expected outcome of the exercise of self-determination, also came the idea that remaining non-independent territories were simply stalled in making that transition (Baldacchino,

2006b; Bonilla, 2013). This was exemplified in the "bias for independence" (Hintjens and Hodge, 2012) in Whitehall and Westminster up until the late 1990s, leading to decades of fragmented, arbitrary government arrangements and hampering a more engaged and conscious approach to the BOTs (see Chapter 2). If they were soon to transfer to independent statehood, what reason would there be to attempt to improve these, presumably temporary, arrangements?

While it is understandable that most liberation movements following WWII would seek to break away from their colonising powers, this thesis argues that the view of independence as the only acceptable outcome of decolonisation is limited in several respects. Firstly, given the relative advantages, in terms of development and living standards, of metropolitan affiliation that have now repeatedly been observed for smaller island territories, one could question whether full independence is a preferable, or in some cases even viable, outcome for such territories. It has been suggested that full independence is not a fundamental good in itself, or "the essence of self-determination" (Anaya, 2009: 188), but that it should rather be considered a means to achieving goods such as self-government and autonomy (Philpott, 1998: 70), or freedom and equality (Anaya, 2009: 188). If NSGT peoples believe that self-determination can better be pursued within frameworks for affiliation (as argued by Rezvani, 2014), this would challenge dominant views of self-determination for colonized peoples as consisting in a transfer to independence. Secondly, as Stavenhagen (1996: 4-5) points out, equating the concept of self-determination with the political independence of states only is undesirable because 1) this becomes a state-centred rather than people-centred approach, and 2) it supports the idea that self-determination is something that takes place only once, e.g. through a political status plebiscite, rather than continuously. If the concept of self-determination is to be understood, like the concept of democracy, as having a political and moral component rather than simply consisting of a technical decision in

international law, it should also be considered an ”ongoing process without point of closure” (Stavenhagen, 1996: 5).[28]

Based on this, the recognition of self-determination as having an *ongoing* aspect (Anaya, 1996), and being of continuous importance regardless of whether a people opts for, or lives under, independent statehood or some other political status/arrangement, is considered a useful starting point for this discussion. Another starting point, again drawing on Anaya's writings, is that for a people to be able to determine the political statuses or governing arrangements under which they live, self-determination also needs to have a *constitutive* aspect. The idea of self-determination as having an ongoing and a constitutive aspect thus makes up the basis of the theoretical framework of this thesis, where understandings of each aspect are further deepened using writings in political theory on colonialism and self-determination, and then informed by the empirical analyses in the following chapters.

This section will first briefly cover how the concept of self-determination has been construed in international resolutions pertaining to decolonisation, and then consider how it has been theorised in the academic literature. Note that the applicability of the right to self-determination to particular groups, or the legitimacy of self-determination claims, will not be discussed here. Seeing as NSGTs make up the empirical focus of this thesis, and given that there is international legal consensus regarding their peoples' right to self-determination, this is treated as a given rather than a subject for discussion. The more important questions, I believe, is what self-determination can be thought to consist in and how it may be realised.

3.1.1. Self-determination and decolonisation in international law

As described in Chapter 2, self-determination came to be elevated and disseminated as a fundamental, international norm in the twentieth century, through the United Nations (UN) system which emerged

[28] The right for NSGT peoples to determine a political status should still be recognised, and a consideration of other understandings of self-determination is not meant to negate that.

following WWII. While its predecessor, the League of Nations, did not include self-determination in its Covenant, the United Nations placed it as a central principle in its 1945 Charter. Article 1.2 of the Charter states that the purpose of the UN is to "develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples." A definition of what this should entail, however, was not included. Self-determination was here also considered, precisely, a principle rather than a right (Perham, 2013: 9).

Roepstorff (2012) explains this lack of a clear definition with reference to the fact that two competing conceptions of self-determination prevailed during this time: Vladimir Lenin's understanding of self-determination as independent statehood, and Woodrow Wilson's understanding of it as democratic self-governance. The ambiguous language of the Charter could be seen as a compromise between the two. Relatedly, the Charter did not specify a right to independence for non-self-governing territories (NSGTs), defined in its Article 73 as "territories whose peoples have not yet attained a full measure of self-government." However, it did create a trusteeship system through which NSGT peoples' "political, economic, social and educational advancement" and their "progressive development towards self-government or independence" (Article 76.b) was encouraged. Quick decolonisation and preparation for independence became the explicit goal of the trustee system (Kelly and Kaplan, 2004: 139). This set it apart from the previous League of Nations "mandate" system, which entrusted the governing of distant places to member nations on the basis of the idea that these nations had a duty to act as guardians for "primitive" societies and, where possible, raise them to levels of "civility" required for self-government (ibid: 138-139).

In international law, the most influential documents in defining self-determination and decolonisation include the *Declaration on the Granting of Independence to Colonial Countries and Peoples* (GA Res 1514, XV) of 1960; the *Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter* (GA Res 1541, XV) of 1960, and; the *Declaration on Principles of International Law*

concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (GA Res 2625, XXV) of 1970. Resolution 1514, in particular, has been a landmark document establishing the framework for subsequent decades of United Nations General Assembly (UNGA) practice in decolonisation (Summers, 2019: 148). It defines self-determination´ as follows:

> 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. (GA Res 1514, XV, Principle 2)

This phrasing has later been echoed in key human rights documents such as the *International Covenant on Civil and Political Rights* (ICCPR) of 1966, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) of 1966, and the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) of 2007.

The language of Resolution 1514 largely equated self-determination with colonial independence (Summers, 2004), with principles 3, 4, and 5 referencing "the right to complete independence," (4) the importance of taking immediate steps to enable colonial peoples to "enjoy complete independence and freedom," (5) and how inadequacy of preparedness "should never serve as a pretext for delaying independence" (3). While the UNGA has been criticised for treating self-determination as if it were "a synonym of independence" (Lapidoth, 1992: 341), Resolution 1541 laid out wider possibilities in terms of political status options for NSGTs. It stated that an NSGT could be said to have reached a full measure of self-government, and be considered decolonised, through either:

1) emergence as a sovereign independent state;
2) free association with an independent state, or;
3) integration with an independent state.

It can be noted that while there have been no procedural requirements for emergence as an independent state, the choice of any other political status must follow detailed, strict requirements for the free and informed consent of the peoples concerned, reflecting a "clear

preference" for independence (Hannum, 1990: 40-41). Resolution 2625, adopted in 1970 and building on resolutions 1514 and 1541, later added "the emergence into any other political status freely determined by a people" as a mode of implementing the right to self-determination, however what this could mean has been little discussed (Perham, 2013).

3.1.2. Self-determination and decolonisation in academic debates

Having briefly outlined how the right to self-determination has been defined in key international resolutions, the sections below turn to writings on the very concept of self-determination, and on its relationship to decolonisation. For an overarching framework, Anaya's (1996) idea of self-determination as having an ongoing and a constitutive aspect are used. In the discussion below, I introduce these aspects, but also connect them to insights from writings in political theory on self-determination, decolonisation and intergroup relations.

3.1.2.1. The constitutive and ongoing aspects of self-determination

Anaya's (1996) conceptualisation of self-determination as having a *constitutive* and an *ongoing* aspect forms the basis of the theoretical framework used for this thesis. This is not to say that this is the only, or *the* optimal, complete way of understanding self-determination. Still, since it can be considered sufficiently broad and flexible so as to let NSGT peoples' perspectives take centre-stage and inform it rather than be constrained by it (for example, it simply recognises constitutive self-determination as a key aspect, without stipulating how it is to be realised), it is useful for a study that seeks to develop theoretical concepts and ideas based on empirical findings.

Coming from the field of international law and specialising in Indigenous self-determination, Anaya (1996: 82) considers constitutive self-determination to apply to "discrete episodes of institutional birth or change," which is reflected in international covenants stating that by virtue of the right to self-determination, peoples "freely determine their political status" (e.g. GA Res 1514, XV, Principle 2). Constitutive self-determination means that the governing institutional order, regardless

of what it looks like, needs to be the creation of processes guided by the will of those governed. In this thesis, constitutive self-determination is broadly understood as the ability to shape the governing institutional order under which one lives. This is closely related to the concept of constituent power, understood as the power of a people to "establish, or fundamentally amend, a constitution" (Duke, 2013: 798), and to thereby "begin, end, or modify" the political order (Dahl, 2018: 48). Based on the empirical findings of this thesis, I will argue that aside from being able to create, modify and end the governing institutional order (or the constitutional relationship with a metropolitan state), peoples also need to be able to *uphold* said order without unilateral, external actions altering it without their consent.

The ongoing aspect, in turn, is described as "continuously enjoin[ing] the form and functioning of the governing institutional order," and as requiring an order, independently of how it has come about, that allows individuals and groups to "make meaningful choices in matters touching upon all spheres of life on a continuous basis" (Anaya, 1996: 82). This is reflected in human rights covenants and resolutions stating that self-determining peoples "freely pursue their economic, social and cultural development" (e.g. GA Res 1514, XV, Principle 2).

As they correspond, respectively, to the international law provisions of peoples freely choosing their political status and freely pursuing their own development, constitutive and ongoing self-determination could be viewed as mirroring the common distinction between external ("the recognition that each people has the right to constitute itself as a nation-state or to integrate into, or federate with, an existing state", Senese, 1989: 19) and internal self-determination (pertaining to the relations between the people and its own state, e.g. the right to political participation, Rosas, 2001, and meaning "… that other states should not […] seek to prevent a people from freely selecting its own political, economic and social system," Senese, 1989: 19). However, Anaya explicitly rejects the dichotomy of external/internal self-determination based on its being premised on the idea of mutually exclusive peoples comprising mutually exclusive states, overlooking the "spectrum of multiple and overlapping spheres of human association" (1996: 81).

An understanding of constitutive and ongoing self-determination as two phenomenological aspects that apply through this spectrum provides a better framework for an analysis of how self-determination is understood, experienced and pursued in the types of in-between spaces that the NSGTs represent. When, for example, a territory-metropole relationship is altered (e.g. through constitutional negotiations and -reform, as described by Prinsen and Blaise, 2017) to reflect the collective will of the people(s) governed - without the territory necessarily transferring to a permanent status - this could still be understood as being in the domain of constitutive self-determination.

Anaya's ideas point to some broad questions that may guide an analysis of NSGT-metropole relationships. To what extent and in what ways are NSGT peoples able to pursue their own social, economic and cultural development under present arrangements? To what extent and in what ways are they able to change these arrangements? And, how do their views on what self-determination consists in and requires inform these aspects, which have originated within debates on Indigenous self-determination rather than the decolonisation of NSGTs?

As noted above, constitutive self-determination refers to peoples' abilities to shape the institutional orders under which they live *regardless of what these orders end up looking like*. Ongoing self-determination, in turn, refers to peoples' abilities to freely pursue their own development under governing orders *regardless of how they have come about.* Considering this, these aspects could very well be treated as entirely separate and distinct from each other. A governing arrangement could potentially "score" very high in regards to ongoing self-determination if it clearly allows for a people to use the resources available to independently chart their own courses for development; to participate meaningfully in decision-making processes day-to-day; to uphold autonomous institutions; to control the use of lands and natural resources, etc. Theoretically, that same arrangement could "score" low in regards to constitutive self-determination, if said people is not in fact able to influence and alter its structure. However, using insights from political theory, I will argue that these aspects should at least in part be viewed as interrelated and -dependent.

3.1.2.2. Self-determination and colonialism in political theory

What is the fundamental and central injustice of colonialism? Relatedly, what is the importance of self-determination for colonised peoples? These questions have been at the centre of works in political theory (Ypi; 2013; Stilz, 2015; Valentini, 2015; Moore, 2016), seeking to uncover the distinctively wrong(s) of colonial rule. As we shall see, these works underscore the importance of, especially, the constitutive aspect of self-determination as described by Anaya.

While violence, oppression, exploitation and racism are all wrongs commonly associated with colonialism, and while they have certainly been characteristic of many if not all colonial projects (Valentini, 2015) these wrongs also may occur in non-colonial settings. Commonly invoked arguments as to why colonialism was[29] morally wrong have included a) the fact that colonial regimes *committed grave injustices* such as murder, dispossession, abuse and discrimination (the instrumentalist view), and b) the fact that they *denied democratic forms of decision-making* to subject populations (the democratic view, Stilz, 2015). These reasons would be in the domain of ongoing self-determination, with colonialism violating this aspect by denying peoples meaningful participation in day-to-day decisions and gravely impeding their abilities to pursue their own aspirations.

Stilz (2015), however, showcases the limitations of both the instrumentalist and the democratic views. The instrumentalist view, she argues, would fail to recognize cases of "benevolent" colonial rule (e.g. a hypothetical colonial regime dedicated to the protection of human rights and well-being) as wrong. This is because it only construes citizens as "takers" or beneficiaries of the institutions that govern them, overlooking the importance of also being an active "maker" of those institutions. Moore (2016) differs slightly from Stilz in emphasising the value of group identity (for Stilz, "maker freedom" is primarily an individual freedom), but fundamentally agrees that the main defect of colonial rule lies in its denying citizens the ability to affirm and

[29] These debates have tended to use the past tense. In the context of NSGTs, this could certainly be questioned.

recognise the political institutions that govern them. She emphasises: "colonized peoples did not simply want better government, or more efficient government […]: they wanted a government that they could identify with as theirs" (2016: 453-454).

In relation to the instrumentalist view, it can also be noted that paternalistic ideas about colonial rule as being in the interests of the colonial subjects did indeed constitute a "standard justification" believed by many people involved in the colonial system (Moore, 2016: 450; Ypi, 2013: 168-169). As late as 2017, political scientist Bruce Gilley echoed this argument in an article published in (and subsequently redacted from) *Third World Quarterly*. If colonial rule would ultimately lead to better outcomes, why would it be wrong? The instrumentalist view, failing to consider the "maker" aspect of being governed, appears unable to respond.

The democratic view, recognising self-rule as important, is more plausible than the instrumentalist view according to Stilz, yet still importantly limited. As it understands self-rule specifically as an individual right to participate in political decisions by voting, it would identify the wrong of colonialism as consisting in its disenfranchising colonial subjects. It would follow that colonialism is not wrong as long as the colonising state enfranchises the colonial subjects and grants them the same political rights as metropolitan citizens. Being enfranchised in a wider democratic metropole, Stilz holds, is arguably different from being enfranchised in an independent democracy in the colonised territory. Still, the individual right to be enfranchised in accordance with the democratic view "says nothing about the composition of the group in which any particular individual is to have a voice and vote" (2015: 11). Thereby it does not recognise the possibility that colonised subjects may prefer to retain their own political communities. Moore (2016: 453) further criticises the democratic view by pointing to the likelihood of an "indigenous community being outvoted by a larger white majority" if its members are simply enfranchised in the encompassing state (see also Beckman et al, 2022). She also brings up the case of Ireland, which indeed was

viewed and viewed itself as a colony of England even during the period (1829-1922) when Irish people were enfranchised at Westminster.

In Stilz' and Moore's accounts, then, both the instrumentalist view and the democratic view fail to capture the distinctive wrong of colonialism. While the instrumentalist and democratic views can be said to relate to important elements of ongoing self-determination (e.g. social welfare and development; self-government as effective participation in decision-making processes, Anaya, 1996 – discussed further below), "maker freedom" and the ability to identify the governing order as one's own creation relate directly to the constitutive aspect.

A singular wrong of colonialism, as argued by both Ypi (2013), Stilz (2015) and Moore (2016), can be defined as *political domination*. In Stilz' account, citizens' abilities to *affirm* the governing political institutions under which they live is considered a key value. The distinctive wrong of colonialism, then, is that it denies citizens the ability to be cooperative partners in the creation and upholding of institutions that they can reasonably affirm. It follows that in this view, the distinctive wrong of colonialism lies in its violation of *constitutive* self-determination. As Stilz notes, the "maker" aspect is partly addressed in the democratic view, however this view would imply that being included in the wider franchise of the colonising state is sufficient. If 5,000 people living in a small, colonised territory are incorporated into the metropolitan franchise of 70 million people, and the metropolitan government then decides to change the governing institutional order under which the colonised people live, in the democratic view they would still be considered as having been included in the creation of the new order. However, since they would be in a permanent minority position and consistently outvoted should their views differ from those of the metropolitan majority, their participation would mostly be symbolic as opposed to meaningful.

Ypi (2013) characterises the distinctive wrong of colonialism as its "embodiment of an objectionable form of political relation" which departs from an ideal of equal and reciprocal terms of political association. Drawing on Kant, she holds that reciprocity in political association can only be provided if political institutions are established

to allow people to relate to each other as equals, and to have their voices be equally heard and their claims equally taken into account in decision-making. This associative ideal is not fulfilled in a colonial relationship, which would rather be described as one of political domination where the colonised collective is unilaterally subjected to the will of the colonizing one (Valentini, 2015: 314). Moore (2016: 452) further defines political domination as "the domination of one group over another who is thereby prevented from exercising collective self-determination." Political domination, in Moore's account, is closely related to alien rule, meaning rule not by the collective self but "by an outside group that thereby dominates" (ibid).

As Moore (2016) implies in her definition of political domination, the moral standing of communities and the reasons as to why they should govern themselves need to be articulated for the argument that this is the distinctive wrong of colonialism to make sense. Valentini (2015), in her critique of Ypi (2013), points out that if communities are only seen as aggregates of their individual members (as opposed to collective agents), and it is thus these individuals that are denied equality and reciprocity in a colonial association, the wrong of colonialism would be difficult to distinguish from the wrongs committed by regular domestic governments failing to realise equality and reciprocity. Addressing the question of why *collective self-determination* should be considered a good (or, why alien rule is wrong), Moore suggests that the argument that best supports this relates to group identity. Whether identification is political or cultural, she argues that people "operate within a structure of relationships, which give meaning to their lives", and that what matters in regard to self-determination is that a group can see their governing institutions as "reflective of their collective identity, on land that they regard as theirs" (2016: 454). The denial of institutions reflective of such collective identities, then, would be the distinctive wrong of colonialism. This lends support to the argument that simply enfranchising individuals in the colonising state would be insufficient to ensure constitutive self-determination, as the value of *collectives* having "maker freedom" is highlighted.

The arguments outlined here, while not mentioning constitutive self-determination directly, clearly underscore its value in relation to decolonisation. They may also provide some more nuance to the brief, hypothetical example given in the previous section, i.e. that of a governing order that would score high in regards to ongoing self-determination but low in regards to the constitutive aspect. If citizens are only construed as "beneficiaries," rather than as having fundamental interests in also creating the institutions under which they live, such an order becomes perfectly acceptable (this would e.g. be the case with the hypothetical, "benevolent" colonial rule identified by Stilz as overlooked in the instrumentalist view). If one agrees with Stilz, Moore and Ypi in broadly identifying political domination as the distinctive wrong of colonialism, this then tells us that both the ongoing and constitutive aspects are required for colonial rule to be eliminated. Aside from this, I will argue below that they are not only both required, but that they are also interdependent.

Imagine a governing order that is, at a certain point in time, imposed on a people from outside and that is not amenable to change by them. Coincidentally however, this order happens to be exactly what the people would have chosen had they been able to. It allows for them to live life and pursue development precisely as they wish. Although it has been imposed and cannot be changed by the people, this is not really considered a problem because they are perfectly satisfied and would have never wanted to change anything about it. The ongoing aspect of self-determination is fulfilled, and the constitutive aspect simply appears redundant in this case.

However, over time people's preferences change. The collective is not stagnant – some of its members that lived at the time that the governing order was imposed start to gradually change their views, and some die; new persons are born into the polity; some in- and out-migration occurs, and; generally, new knowledge is discovered, new ideas emerge and old ones are dismissed. The fact that the governing order cannot be shaped by the people and adapted to these ideas now becomes a problem. For the people to be able to realise the ongoing aspect of self-determination and freely pursue their own social, economic, and cultural development

day-to-day as their aspirations change *over time*, the constitutive aspect becomes a precondition. It is only in the snapshot of time during which their aspirations and the imposed, unchangeable governing order happen to be aligned that ongoing self-determination appears to be independent of constitutive self-determination – if we accept the condition that (individual and collective) views, preferences and aspirations change, it is inevitably dependent on it.

Based on the above, there are thus two things that suggest that ongoing and constitutive self-determination are both needed and depend on each other. First: the argument that people have a fundamental interest in being makers of their governing institutions, and in recognising the institutional order and governing processes as their own (Ypi, 2013; Stilz, 2015; 2019, Moore, 2016; Nine, 2022), meaning that both constitutive and ongoing self-determination have *intrinsic value.* Second: the condition that interests change and develop over time should mean that constitutive self-determination also has *instrumental value* in ensuring ongoing self-determination. Discussions on the moral wrongs of colonialism help us understand the value of both aspects, and why they matter in regards to colonised territories. This is particularly relevant given how metropolitan states over the past decades have argued that this nomenclature should no longer apply to contemporary cases (Corbin, 2009a; 2009b; FCO, 2012; Aldrich and Connell, 2020: 26-27), which warrants closer examination.

In the context of the NSGTs, there is some uncertainty regarding the applicability of the concept of alien rule. The "in-between" statuses of these territories might make it difficult to clearly distinguish between inside- and outside groups. The US unincorporated territories being considered neither foreign nor part of the United States (Burnett and Marshall, 2001), and the BOTs not being constitutionally part of the United Kingdom, yet having constitutional relationships with, being under the authority of, and holding the citizenship of, the sovereign power (Hendry and Dickson, 2018), provide cases in point. Using the takeaways from the discussion above, this thesis analyses how such dynamics play out and whether/in what ways they allow for NSGT

peoples to freely determine the governing institutional orders under which they live and freely pursue their own development.

If contemporary governing arrangements are indeed considered as being the results of processes in which NSGT peoples have been cooperative partners, with the power to re-shape them on their own terms as has been suggested by Prinsen and Blaise (2017), the arguments made by metropolitan powers about present relationships no longer being colonial may be reinforced as the distinctive wrong (Ypi, 2013; Stilz, 2015; Moore, 2016) then appears to have been corrected. However, if present arrangements are conversely experienced as structures of continued domination, with NSGT peoples being unable to affirm, shape and recognise them as their own, this would constitute a basis for challenging such arguments. This should arguably be understood as something separate and independent from the *material advantages* argument most commonly put forward in the literature on non-independence, which primarily relates to the "taker" aspect of being governed.

3.1.2.3. International norms, self-determination and Indigenous rights

Regarding the requirements of self-determination, particularly in its ongoing aspect and particularly as it pertains to Indigenous peoples (a discussion on how Indigenous self-determination relates to the self-determination of colonised peoples/NSGTs is presented below), Anaya identifies five key categories of international norms, or five elements: non-discrimination, cultural integrity, lands and resources, social welfare and development, and self-government.

Non-discrimination entails that states ought to take steps to "eliminate incidents or legacies of discrimination against indigenous peoples" (1996: 98). Such discrimination, furthermore, is understood as dual in form: consisting in the "gradual destruction of the material and spiritual conditions" necessary for maintaining Indigenous communities' ways of life, as well as in the "attitudes and behaviour signifying exclusion or negative discrimination" regarding their participation in the dominant society (ibid). Åhrén (2016: 227) further describes how the

norm of non-discrimination has evolved from a conventional, liberal understanding of it as equal treatment of all individuals within a state to one that recognises the value of groups and cultural distinctiveness. With this evolved understanding, states would need to ensure that distinct groups have the same opportunities to preserve and develop their cultures as the majority, e.g. providing education that is accustomed to their cultural backgrounds and languages.

Cultural integrity is understood as a group's right to exist as a distinct people; to maintain and develop its cultural identity, free of attempts of assimilation. This norm, Anaya holds, may require different applications in different settings, but this should always be premised on the objective of securing the survival of Indigenous cultures through mechanisms devised in accordance with their preferences (1996: 104). The cultural integrity norm has developed to protect the rights of Indigenous groups to survive as distinct cultures, given how colonial practices sought to undermine them and given their typically nondominant current positions in the larger societies in which they live, where "culture" is interpreted broadly to include economic and political institutions, land use patterns, language and religious practices. While not all have Indigenous populations, the maintaining of cultural distinctiveness has been identified as a key driver of debates on political status and metropolitan relationships in overseas territories generally (Veenendaal and Oostindie, 2018; Ferdinand et al, 2020; Aldrich and Connell; 2020), where those that are NSGTs are also classified as such precisely because they are geographically separate and "distinct ethnically and/or culturally" from their administering powers (GA Res 1541, Principle IV).

Related to the survival of Indigenous communities as distinct cultures is *land and natural resources*. Writing on land rights in American Samoa, Kruse (2018: 2), for example, states that "[c]ultural identity is the core basis of the Samoan people, and communally owned lands are the central foundation that will allow our cultural identity to survive in today's world." The traditional communal land tenure system has been an important part of the *fa'asamoa* ("Samoan way of life") culture, but since the territory was placed under the control of the US Naval

Department in 1990, more and more lands have become individually owned (ibid). Based on the recognition of the centrality of land and natural resources to Indigenous peoples, self-determination as the ability of peoples to freely pursue their own development requires adequate procedures to resolve land claims and provide remedies (e.g. as Kruse suggests, seeking alternative political models to "shelter the Samoan cultural institutions within the American body-politic," 2018: 2), including the right for peoples to have a say in any resource exploration on their lands and including the option of regaining lands (Anaya, 1996: 106-107).

Related to the question of land and resources is the question of place, on which Moore (2015) expands in her political self-determination theory of territory. While the distinct relationships between land and Indigenous cultures and economies should certainly be recognised, Moore provides a more general account of why territory matters to all "peoples". Emphasising once again the importance of collective identities to individuals' lives and "sense of who they are" (2015: 40), she holds that connection to a place is also something that is experienced by an individual as a member of a *collective* sharing a geographical location, with the group's way of life, identity and history being bound up in that specific area:

> The idea here is that individuals see the land as not only important for them individually, as the locus of their relationship and plans and projects, but they also see themselves as members of groups which are attached to specific areas, specific bits of land, which form an important source of the group's identity. (Moore, 2015: 40)

What becomes important in relation to self-determination, in this understanding, is not just the right to occupancy of a territory by a community that shares these connections, but also the interests that groups have in exercising control over their physical environment, and in ensuring that the territories which they inhabit retain a certain character or institutional structure over time (Moore, 2015: 44).

Social welfare and development constitutes the fourth element of self-determination as identified by Anaya. This entails that higher living standards and social and economic development should be pursued (for

Indigenous peoples, particularly to remedy historical injustices and to address present discrimination and disadvantages stemming from such injustices) "in cooperation with the indigenous peoples concerned and in accordance with their own collectively formulated priorities" (Anaya, 1996: 109). As metropolitan affiliation has been found to correlate positively with indicators of social and economic development, it appears that this aspect of self-determination could potentially be effectively promoted and protected within frameworks of non-independence. However, the extent to which development is actually pursued *in accordance with the priorities of NSGT peoples* requires further analysis, based on the observations by e.g. Androus and Greymorning (2016) and Ferdinand et al (2020) regarding present dissatisfaction with metropolitan relationships.

The overarching political dimension of ongoing self-determination is *self-government*, the core idea of which being that "government is to function according to the will of the people governed" (Anaya, 1996: 107). For Indigenous peoples, this norm has upheld spheres of autonomous governance while seeking to ensure the meaningful participation of Indigenous communities in decisions affecting them taken at all levels. While there is no singular formula for achieving it, the upholding of *autonomous institutions* as well as *participatory engagement* in the larger state, along with the consensual development of a political order, have been understood as important for the self-government of communities which are "simultaneously distinct from yet parts of larger units of social and political interaction" (ibid: 112).

3.1.2.4. Arrangements for self-government

As autonomy is conceptualised as a key requirement for the self-government of "distinct yet part of" groups (although indigeneity is specifically a characteristic of the groups discussed by Anaya, the "distinct yet part of" label is applicable to all NSGTs), some further discussion on this is warranted. Ghai (2013: 5) describes autonomy as connoting self-government, defined as "the ability of a region or community to organise its affairs without interference from the central

government or neighbouring regions or communities." Typically viewed as a "deviation from the normal principles, institutions and processes of a state" (ibid: 6), it has been employed for the purpose of enabling particular communities to determine their own development as freely as possible without forming their own sovereign states.

While, at the international level, it should be noted that there are no generally agreed upon institutions that constitute autonomy, Ghai (2013) lists a number of key institutional factors which influence its functioning, including: the entrenchment of autonomy agreements (in constitutions or statutes); the understanding and acceptance of the powers and institutions involved in the autonomy arrangement by all; the extent of the powers of the autonomous region; the extent of the national government's powers to monitor, intervene in, direct or suspend the regional government; the distribution of powers; mechanisms for dealing with inter-level relations, such as consultations, and mechanisms for dispute resolution; financial arrangements such as the transfer of funds between levels, and; political parties. Similarly recognising the importance of the distribution of powers between state and sub-state levels, Suksi (2011) identifies participation in decision-making (in the sub-state entity and at the state level),[30] the role and functioning of the executive body of the sub-state entity,[31] and the relationship of the sub-state entity with the international arena, as important elements of autonomy arrangements.

When thinking about self-determination in contexts of non-independence, it is important to consider the ways in which the design of metropolitan relationships relate to this. For this, Cara Nine's (2022) account of self-determination as *functional autonomy* is useful. Nine (2022: 184) defines functional autonomy as "a group's capacity to complete its functions under conditions that support its political

[30] This concerns different forms of political participation, e.g. through elections and referendums, in the sub-state entity, as well as the participation of the sub-state entity's population in political life at the state level, thus similar to what Anaya describes as participatory engagement in the lager state.

[31] Important to consider here is whether it has powers and discretion of its own, aside from the implementation of legislative decisions, and to whom it is held accountable (the legislature of the sub-state entity; the national government?) (Suksi, 2011: 8-9).

autonomy." She holds that a strength of the view of political self-determination as functional autonomy is that it acknowledges the "reality of interdependence" (2022: 183) and the role of intergroup relations in supporting and/or hindering a group's capacity to perform its functions (understood as "the tasks that political groups ought to be able to complete in order to serve their purpose as political groups", ibid: 186) autonomously.

Functional autonomy could thus be understood not as the ability of a community to govern itself independently of the central government (As Ghai, 2013: 5 implies about autonomy), but rather as the ability to govern effectively and autonomously within relationships of interdependence. Nine's account builds on Young's (2001) arguments about how a concept of self-determination needs to take into consideration the relations and interdependencies between peoples in a global system, and how the prevailing interpretation of the principle as independent sovereignty and *non-interference* is therefore limited.

In Young's conceptualisation of self-determination as *non-domination*, rather than non-interference, peoples are understood as being deeply embedded in ongoing relations and networks, which then need to be cooperatively negotiated and regulated so as to avoid domination. Domination, in turn, is understood as consisting in a set of relations that gives an agent institutional power to arbitrarily interfere with the actions of others without taking their opinions or interests into account (Young, 2001: 35). Nine (2022: 179), however, takes issue with Young's emphasis on negotiation as a way to resolve questions of who should decide on matters that may affect more than one group or people, warning that this might erode minority or tribal independence as larger and more powerful groups could "negotiate tribal governments to death".[32] Nine's model addresses this problem by proposing a set of

[32] One could perhaps use Anaya's framework to argue that negotiation of the relations themselves (if "relations" refers to arrangements such as those structuring NSGT-metropole relationships) would be in the domain of constitutive self-determination, whereas what Nine describes is rather in the domain of ongoing self-determination. If we accept this, Nine's and Young's accounts might be combined and together suggest that for ongoing self-determination, a dependent relation between groups with self-determination rights always needs to fulfil the basic criteria of *autonomy* and *non-*

criteria based on which dependent relations can be judged independently of such negotiations. If a distinct people with self-determination rights finds itself in a dependent, intergroup relation with e.g. a larger state, and if self-determination requires for this relation to look a certain way (e.g. for the state to adopt certain policies towards the group), then we can judge whether the state's actions undermine or promote self-determination without considering whether or not negotiations between the groups take place. The view of self-determination as functional autonomy is meant to both acknowledge intergroup relations and protect the relevant political independence of groups (Nine, 2022: 185), by assessing how intergroup structural relations support or hinder their capacities to complete their functions autonomously.

Nine suggests two main criteria for assessing whether an intergroup relation allows for self-determination: *autonomy* and *non-precarity*. Regarding the former, even when the exercise of group actions relies heavily on external relations or -support, these actions can still be autonomous if the processes of decision-making and acting are "appropriately one's own" (for example, through the receipt of unconditional aid or assistance, Nine, 2022: 187). By contrast, when relations are used by external actors to implement their own ideas for a certain group's or territory's development, support is considered to diminish rather than enhance autonomy. This would be, for example, when restrictive loans or grants are distributed from central to local governments for projects that only the central government decides are valuable, or when strict conditions such as the implementation of certain reforms are placed on the receipt of funds.

Regarding the non-precarity criterion, Nine (2022: 192) argues that for a group to be able to plan autonomously for its long-term development using an intergroup relation, that relation also cannot be unpredictable, fragmented or uneven. If the relation is precarious, the group will not

precarity, but the question of how it should look aside from this still needs to be addressed in a way that allows the peoples concerned sufficient influence and "maker freedom" (constitutive self-determination).

be able to count on it (and on the support stemming from it) to continue into the future.

In Nine's view, then, dependency does not automatically impede self-determination, but the *nature* of the relation (rather than its mere existence), is what matters in this regard. This includes the extent to which a group can identify with the procedures by which they come to make certain decisions or actions, and whether they can decide and act based on "beliefs, desires and values that they can call their own" (ibid: 191), as well as their ability to rely on the intergroup relation remaining non-precarious. In the functional autonomy model, even heavy dependence on external support or -relations needs not necessarily violate or diminish a group's capacity to freely pursue its economic, social and cultural development (ongoing self-determination). Conversely, some kinds of dependent, intergroup relations could bolster this capacity, provided that they allow for groups to "use dependency to design courses of action according to their own priorities and decisions" and to make long-term plans for their own development (ibid: 192). Nine's model, it appears, could possibly be a more theoretical account of what Rezani (2014; 2016) identifies as "partial independence" with self-determination advantages. It also provides some additional basis for thinking about the *self-government* element of self-determination, identified by Anaya as a key international norm.

Overall, I believe that the framework of ongoing and constitutive self-determination is largely adaptable to an analysis of the self-determination of NSGT peoples. Here (Table 3), I present a set of analytical questions, based on this framework and adapted to NSGTs:

Table 3. Operationalisation of the constitutive/ongoing self-determination framework

Aspect	Element	Analytical questions
Ongoing	**Non-discrimination**	• To what extent is the metropolitan relationship believed to be equal? On what interpretation(s) of equality is this based (between individuals; between groups)?
	Cultural integrity	• What do NSGT peoples consider to be important to their survival as cultures? • How do they identify in relation to the metropole? • To what extent and how is the metropolitan relationship believed to safeguard or threaten their cultural survival?
	Land and natural resources (place)	• To what extent and how are NSGT peoples able to retain control over their physical environment? • To what extent and how are they able to control the use of natural resources?
	Social welfare and development	• In what ways is the metropolitan link thought to affect (positively or negatively) the development and welfare of NSGTs? • To what extent is development based on the priorities of NSGT peoples (procedure)? To what extent is it consistent with them (outcome)?
	Self-government	• How and to what extent are NSGT peoples able to participate in decisions, at different levels, which affect them? Is this viewed as sufficient for self-determination? • Does the arrangement include autonomous institutions on the territory level? In what ways are such institutions considered important? Can they be upheld? • What features of the metropolitan arrangement are viewed as promoting or undermining the autonomy of the NSGT?

Constitutive	• How can the NSGT-metropole relationship be altered? • How have NSGT peoples sought to alter their metropolitan relationships over time, and to what extent have they been successful? • What features of territory-metropole relationships have/have not been open/subject to change, and why? • To what extent do NSGT peoples view their present arrangements as being their own creations? • What views exist on other political status options?

3.1.2.5. A note on Indigenous self-determination and the self-determination of colonised peoples

In regards to the discussion on (constitutive and ongoing) self-determination, it should be noted that Anaya's theorising specifically pertains to the self-determination of Indigenous peoples. Gover (2017: 456) underscores that "Indigenous claims […], are distinct from those of other cultural minorities because they are claims to authority and property held by tribal nations before the establishment of the territorial settler state, attributes that were, or should have been, inherited by descendant communities." While some peoples inhabiting NSGTs and other non-independent island territories would be classified as Indigenous based on ideas of historical continuity and pre-colonial societies and relationships to land,[33] many would rather be described as "arrivants" (Brathwaite, 1973), i.e. peoples who have been forcibly

[33] The 1989 International Labour Organization's Indigenous and Tribal Peoples Convention No. 169, for example, defines indigeneity in terms of "peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries ", ILO, 1989, Article 1(b). Indigenous claims to self-constitution and self-determination have further been described as "distinct from those of other cultural minorities because they are claims to authority and property held by tribal nations before the establishment of the territorial settler state, attributes that were, or should have been, inherited by descendant communities." (Gover, 2017: 456).

taken from their ancestral homes, imposed on the territories and deprived of their home cultures and languages as a direct consequence of colonialism and slavery.

The people of the Falkland Islands, in contrast, are neither Indigenous nor arrivants, but have tended to be described as a "metropolitan" population (Ferdinand et al, 2020). On several occasions, however, the territory's representatives have rejected this characterisation, stressing that Falkland Islanders are a distinct people with their own "unique culture" (Ormond, 2016), and not an implanted, British population (Foreign Affairs Committee, 2018, Q182-183). In short, the UNGA's list of NSGTs includes a diverse group of territories with populations that would be considered Indigenous (e.g. Guam, American Samoa, New Caledonia, French Polynesia); arrivant (e.g. Anguilla, the British Virgin Islands, Bermuda, Montserrat), and; settlers who have come to inhabit previously uninhabited places (Falkland Islands, Pitcairn). All, however, have a recognised right to self-determination.

Discussing differences in how Indigenous peoples and the colonised peoples of overseas territories have been understood to exercise self-determination, Anaya (1996: 131) writes:

> In most instances, self-determination for indigenous peoples cannot be achieved simply by allowing them to choose from among limited predetermined options. In the decolonization of overseas colonial territories, self-determination is considered to advance when the people of those territories can choose independent statehood, free association with an independent state, or full integration with an independent state. Even if practicable, such a choice in the context of the vast majority of indigenous groups today living within the exterior boundaries of independent states would be at best a minimal, partial step toward the realization of self-determination and related human rights norms. Indigenous peoples typically seek neither independent statehood nor full integration, and what most of them do seek can hardly be said to fit a single formula somewhere in between. (Anaya, 1996: 131)

With the observation that only one NSGT has made a transfer to a permanent political status since the publishing of Anaya's book, with a

seeming "infinite pause" (Aldrich and Connell, 2020) in decolonisation following thereafter, and with the added observation that the most commonly preferred option for remaining overseas territories has been some form of "half-way house between independence and integration" (ibid: 425), I suggest that pursuits of self-determination among colonised peoples are not necessarily that different from those of Indigenous groups. Rather than simply looking to the right to self-determination as the choice for a permanent political status for overseas territories, we ought to also consider how self-determination in its constitutive and ongoing aspects is understood and sought within the types of "in-between" spaces that these territories represent.

Drawing parallels between how Indigenous peoples and peoples of non-self-governing islands have come to practice forms of sovereignty that fall short of independent statehood, Prinsen and Blaise (2017) describe the 2007 UN *Declaration on the Rights of Indigenous Peoples* (UNDRIP) as a "prominent illustration of moves toward a concept of 'sovereignty without a state'". This concept, they observe, is not focused on the option of seceding, but rather on critically cultivating a "nation-to-nation" relationship with the colonial state. In terms of practices around "sovereignty without a state", the authors hold that there are similarities in the UNDRIP's appeal for "constructive arrangements" between Indigenous peoples and states and the innovative autonomy arrangements (Hepburn, 2012) which have developed between non-self-governing islands and their metropoles, concluding that "[s]sovereignty for non-self-governing islands is not so much expressed in concluding independence negotiations with their respective metropoles, but in the ability to sustain negotiations and relations" (Prinsen and Blaise, 2017: 77). Anaya (1996) similarly stresses the value of negotiation in promoting and securing Indigenous self-determination. Taking this into account, I suggest that the ideas and concepts outlined above should be relevant to discussions on the exercise of self-determination within NSGT-metropole relationships.

In sum, based on a recognition of an emerging literature discussing potential parallels between Indigenous and non-self-governing island peoples' pursuits of self-determination, this thesis uses Anaya's ideas

about ongoing and constitutive (indigenous) self-determination as a framework from which open-ended interview- questions are formulated, and as a theoretical lens through which the empirical material is interpreted.

3.2. Research design, material and methods

The research design used for this thesis is aimed at uncovering, both in a broader and a more in-depth sense, views of self-determination and metropolitan affiliation that exist in present-day, smaller island NSGTs. The focus on NSGT peoples' own understandings of what self-determination requires is motivated with reference to the point, made in the literature on Indigenous self-determination, that without recognition of Indigenous perspectives "the right to define what political equality means, and what kind of political participation it entails" will still be held by the encompassing state (Mörkenstam, 2015: 642). The state will then prescribe what the right to self-determination includes, as opposed to negotiating with the peoples concerned, as equals, regarding how is to be institutionalised (ibid). While not all NSGTs are home to peoples recognised as Indigenous, the same point should arguably stand for colonised peoples if they are not pursuing self-determination through a transfer to independence.

To this end, the thesis uses different types of qualitative data, basing its analysis on the perceptions of those living under arrangements for metropolitan affiliation, as this in particular has been identified as missing from previous studies (Veenendaal and Oostindie, 2018). Further, it specifically focuses on island NSGTs, thus excluding Gibraltar and Western Sahara from the analysis (Pitcairn and the Cayman Islands were also effectively excluded, as no representatives from these territories figured in the empirical material used in Chapter 4). This is due to the fact that island territories in particular have been at the centre of previous writings and academic debates on (post)colonial metropolitan affiliation, leading to the development of particular categories and concepts such as "islandian" sovereignty (Prinsen and Blaise, 2017). Baldacchino and Hepburn (2012: 564) note

that islands – delineated, bounded and readily defensible spaces, thought to nurture a sense of identity that is clearly attached to territory – represent "quintessential platforms for nation-states," and that they constitute by far the majority of small states as well as colonial remnants today. Androus and Greymorning (2016: 449) point out that very premise of island studies, or nissology, as a distinct field is "based on the notion that islands share a set of features that other territories do not" and Grydehøj and Nadarajah (2016: 437) similarly hold that "island spatiality and the history of island colonization itself has left former and present-day island colonies with distinctive colonial legacies."

A review of the existing literature on metropolitan affiliation reveals a somewhat muddled field where territories with a great deal of overlap are defined as "dependent", "partially independent", "non-sovereign", or "non-self-governing". Examples of writings that contain indexes of non-independent (island) territories include Baldacchino and Milne (2006), identifying 115 *sub-national island jurisdictions* (SNIJs) around the world; Rezvani (2014) who uses the term *partially independent territories* (PITs) and lists 47 currently existing and 19 former PITs (the majority of which are islands, although Rezvani's index also includes non-island territories); Prinsen and Blaise (2017), choosing the term *non-self-governing islands* and listing 42 such entities, and; Ferdinand et al (2020) listing 40 *non-sovereign island territories*. Aside from this, the CIA World Factbook index of entities with *dependency status* lists 51 territories. All of these indexes, with the exception of Rezvani (2014), include all of the 15 island territories listed as NSGTs by the UNGA. The present study takes a somewhat narrower approach, focusing solely on the island NSGTs. *Figure 2.* below presents an overview of how the NSGTs have featured in previous studies of (post)colonial non-independence, showcasing the relevance of these territories to present academic debates.

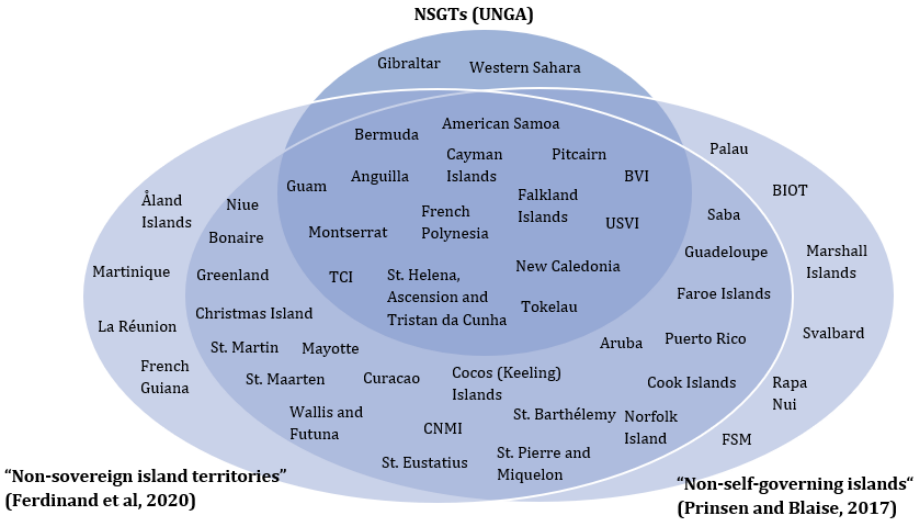

Figure 2. Relationship between NSGTs and other categories in previous studies

3.2.1. A combined approach

The analysis is done in two main steps, the first of which takes a broader, but still qualitative, approach and focuses on how NSGT-metropole relationships have been described and characterised by territory representatives at the UN level (Chapter 4), whereas the second is based on fieldwork conducted in 2023 and 2025 in two specific NSGTs and British Overseas Territories (BOTs): the British Virgin Islands (BVI) and Anguilla (Chapters 5, 6, 7). The choice to begin with a mapping of how metropolitan affiliation has been characterised in island NSGTs overall and then follow with more in-depth, detailed studies of particular cases allows the thesis to capture broader patterns, contributing to academic debates regarding the phenomenon on a more general level (the island NSGTs, which in total have ties to four different metropoles, could perhaps be considered as a cross section of the selections of cases used in both Ferdinand et al, 2020, and Prinsen et al, 2017, see Figure 2.), while also allowing for more exhaustive case studies where such patterns can be further explored through direct interactions with key actors on the territory level.

3.2.1.1. Step 1: Broader mapping of meanings expressed in relation to metropolitan affiliation and self-determination at the UN level (Chapter 4)

Firstly, in order to identify patterns and themes in terms of how inhabitants in a range of non-self-governing territories (NSGTs) describe and characterise their respective metropolitan relationships, I utilise a textual material previously overlooked in political research, namely: addresses made by NSGT representatives to two United Nations decolonisation committees - the *Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples* (C24) and the *Special Political and Decolonisation Committee* (C4). These committees serve as international fora where NSGT representatives and petitioners regularly share their views and experiences of their metropolitan relationships. This material thus offers a unique opportunity to identify patterns concerning how territory-metropole relationships have been characterised by their very consumers, in a relatively large group of cases.

The data used for this part of the study includes addresses by territory representatives made during three types of committee meetings, all held annually between the years 2015 and 2024:[34] C24 regional seminars; C24 annual sessions and; C4 annual sessions. The study period is motivated by the aim to map out and analyse how *contemporary* metropolitan affiliation is viewed in island NSGTs. The material, which is archived and publicly accessible in text format via the United Nations Official Document System (ODS) and on the C24 website, and/or in video format via the UN Web TV service, consists of statements made by elected NSGT leaders and other public officials, as well as by civil society representatives and individuals speaking in their own capacities as petitioners. Written statements and reports from committee meetings were downloaded from the UN ODS and the C24 website, and video material was viewed in full with relevant parts transcribed. The material was then coded using the NVivo software.

[34] This excludes the year 2020, during which no addresses were made to the committees by NSGT representatives due to the Covid-19 pandemic.

Taking a qualitative approach and putting the accounts of territory representatives at the centre of the analysis, this part of the thesis serves to provide a mapping of how contemporary arrangements have been characterised (e.g. as partnerships, or as colonial), but also to begin to examine the reasons for this. Here, it considers what features of present territory-metropole relationships are viewed as problematic or beneficial in relation to self-determination, based on NSGT peoples' ideas as to what it requires.

3.2.1.2. Step 2: In-depth case studies and fieldwork (Chapters 5, 6, 7, 8)

Following the broader analysis in Chapter 4, Chapters 5-8 are all based on fieldwork conducted in 2023 and 2025 in two Caribbean BOTs and NSGTs: the British Virgin Islands (BVI) and Anguilla.[35] While statements to the UN decolonisation committees do provide direct accounts of territory-metropole relationships by a range of NSGT representatives, thus good opportunities to study how these relationships are talked about in international forums, these statements are typically relatively short (approximately 5-10 minutes of speaking time) and there are also limitations in terms of who can participate in these meetings as one is required to be physically present to address the committees (Scartozzi, 2017). Therefore, being able to visit the territories and conduct longer interviews where self-determination and the metropolitan relationship could be discussed more in-depth was a crucial part of the data collection, and served to provide a more complex, thicker analysis of how self-determination is viewed, debated and pursued within particular territory-metropole arrangements.

I travelled to the BVI and Anguilla in March, April and May of 2023, and January and February of 2025, and interviewed 28 persons in total. Interviewees were selected based on their (past or present) positions in the governing bodies of each territory, or in civil society organisations, interest groups or the local media. Academics, lawyers and members of

[35] This research was approved by the Swedish Ethical Review Authority on 2023-02-27, registration number: 2022-07256-01.

past and present constitutional review/reform commissions and committees (CRCs) were also interviewed based on their knowledge and experiences of negotiating and discussing the design of territory-metropole relationships, e.g. by holding public consultations, thus having a good grasp of what views have been raised in relation to this.

For anonymity reasons, which become particularly important in smaller scale societies where "everyone knows everyone" (Baldacchino, 2008), I remain intentionally vague when describing and quoting interviewees in the thesis. For example, I may only write "lawyer," "academic" or "activist" when referring to someone who has been involved in relevant processes related to self-determination and the metropolitan relationship and/or who has been a prominent voice in debates on such matters, as in many cases the additional information that motivates why someone has been contacted for the study could also risk revealing their identity. Still, all were contacted for having particular experiences and/or knowledge that were deemed valuable to the project (either during the preparation phase, based on a review of local media articles and -debates where relevant names were identified, or during my time in-territory following recommendations by other interviewees, i.e. snowball selection).

For the BVI in 2023 and Anguilla in 2025, I was in-territory during the weeks leading up to general elections, and was therefore also able to listen to debates and attend rallies where political issues, including but not limited to the UK relationship, were discussed by candidates from different parties (some of whom were also interviewed for the project).

In terms of age and gender, interviewees ranged from younger persons in their early 30s to retirees, with the numbers of male (16) and female (12) interviewees being rather equal. In terms of societal and political backgrounds, interviewees belonging to different political parties as well as independent candidates were included to ensure a range of political views. Still, the majority of interviewees would likely be described as "elite" (here understood as having "unique knowledge, extensive experience, and[/or] decision-making authority," Mohammadi et al, 2025: 2), in the sense that they held prominent positions in e.g. the political and academic institutions, or were well

known civil society- or media figures, in each territory.[36] While the study is based on elite interviews, heterogeneity in terms of e.g. political and/or professional backgrounds and -positions and ideological views was considered important for it to be able to uncover contrasting views and triangulate findings from different sources; avoid selection bias and the overrepresentation of one dominant narrative, and; identify common themes and patterns across responses from persons with different backgrounds and perspectives (Lilleker, 2003: Mikecz, 2012; Mohammadi et al, 2025).

Interviews varied in length, but were typically slightly more than an hour long. All except for two were recorded, and for the two that were not I relied on note-taking. Most interviews were conducted one-on-one, but on two occasions persons were interviewed together. Interviews were conducted in interviewees' offices, in interviewees' homes, or in public places such as restaurants and cafés. For a couple of persons who had limited time to talk, interviews were done in 40 minutes to accommodate their schedules (for these, I would be asking the most overarching questions and limiting the use of follow-up questions), and for some others the talks would last well over two hours. One interviewee, I met on one occasion, and was then invited back to meet again and do a follow-up interview as they had answered my questions in such detail that I had not had time to ask all of them. Whether the length of some conversations should be attributed to the interviewees' willingness to engage with the topic or to my relative inexperience in planning interviews remains a question, but overall the rich accounts provided by the interviewees were highly valuable and allowed me to uncover information and perspectives that could not have been obtained by analysing written sources, especially given the limited publications that exist on these cases.

Interviews were semi-structured so as to allow for flexibility as well as to ensure that key topics and questions were covered. The interview guide (Appendix 2) was constructed using the theoretical framework,

[36] When recommending additional persons to speak to, interviewees in the BVI and Anguilla would also often describe the suggested persons as "being connected," which is another factor to consider, particularly in small-scale societies.

and particularly Anaya's (1996) ideas about the constitutive and ongoing aspects of self-determination, as a guideline. It should be noted that the interview study was designed to be primarily data-driven rather than theory-driven. Thus, its principal aim was not to test Anaya's theory, but rather to use theory as a flexible starting point from which open-ended questions about self-determination and metropolitan affiliation could be asked to explore the interviewees' own views. The empirical data was then used to inform the overarching ideas about ongoing and constitutive self-determination outlined in the theoretical framework. Interview responses were used to analyse both how these ideas related to NSGT peoples' pursuits of self-determination (as they have primarily been discussed in regards to Indigenous peoples living within encompassing states), and the ways in which views and experiences in the NSGTs could inform more elaborated understandings of what they would entail and require in these contexts.

While the conduction of interviews itself was a key part of the data collection, it should also be noted that interactions with participants outside of the interview setting have greatly informed the analysis and my understanding of metropolitan relationships in these territories. Alvesson (2023) stresses that in cases where the research aims for richer and deeper accounts of phenomena, close contact with participants is required and participants often become emphasised as "much more than suppliers of data." Being able to ask specific questions, record and transcribe interviews and take notes was certainly valuable, but aside from this it is also worth noting the hours of unrecorded conversations about affiliation that took place over dinners and lunches, in people's homes, workplaces and during trips around the islands, as well as continued updates and sharing of information following my return home.

Alvesson (2023) identifies two conflicting ideals in regards to conducting interviews: either the researcher should try to make the interviewee take centre stage and avoid getting too involved in the conversation themselves, or they should conversely aim to become more of an active participant in the talk and be more personal in order to engage the interviewee. In the interview situation itself, I would

typically aim primarily for the former, but having more informal conversations with many interviewees outside of these situations also allowed me to take the latter approach. While not recorded or transcribed, these conversations did inform my interpretations of the interview material, providing additional insights and context to what had been said. For the analysis of the interview data, the interview recordings were transcribed, read in full, and the NVivo software was then utilised to conduct a qualitative content analysis where accounts pertaining to e.g. understandings of self-determination or different aspects of present metropolitan relationships were identified and categorised, in order to uncover patterns in how interviewees perceived and reasoned around these topics.

To complement the interviews, a textual material consisting of local media articles was used to further analyse how self-determination, political status and different aspects of the territory-metropole relationship have been discussed and debated in each territory. This material was collected digitally via the largest newspapers in each territory: the *BVI Beacon*, *BVI News* and *Virgin Islands News Online (VINO)* for the British Virgin Islands, and; *The Anguillian* for Anguilla. This material was considered important seeing as the local media is a key avenue where territory-level debates and discussions on political status take place, and where ideas regarding self-determination are voiced and shared. In addition to the media material, public documents and statements were collected from the websites of each territory government. Aside from its intrinsic value, the textual material was used to supplement the interview data, serving as a check on whether issues raised by the interviewees have been raised in wider debates as well. Moreover, the use of multiple types of data sources and the inclusion of multiple perspectives was thought to strengthen the credibility of the study as this "allows different facets of problems to be explored, increases scope, deepens understanding, and encourages consistent (re)interpretation" (Tracy, 2010: 843-844).

3.2.1.3. Case selection: why NSGTs?

Regarding case selection, the thesis first uses a broader sample consisting of all island NSGTs whose representatives have addressed the C4 and/or C24 in the period 2015-2024, after which it zooms in on two British Overseas Territories (BOTs) and NSGTs – the British Virgin Islands and Anguilla – where the analysis (Chapters 5, 6, 7) is primarily based on field work conducted in these territories in 2023 and 2025. The focus on NSGTs exclusively, as opposed to having the study include independent smaller island states, integrated territories (e.g. Hawai'i or the French DOM-TOM), and/or countries in free association with metropolitan states (the Cook Islands, Niue, the Marshall Islands, Palau or the Federated States of Micronesia), is motivated by two main arguments: first, the NSGTs are in a unique position in the sense that they, by virtue of their status as "not yet decolonised," are expected to continuously seek ways through which their self-determination may be realised, providing particularly good opportunities for a study of such pursuits and of the opportunities and limitations that the metropolitan link may present in this regard. In other words, colonial communities are incentivised to explore political status options and arrangements for self-determination to a higher degree than those who have already settled on a permanent status.

A second argument relates to data and the empirical contribution. Since NSGTs are considered as still undergoing decolonisation processes, their conditions and metropolitan relationships are regularly discussed at UN decolonisation committees' sessions and seminars. As mentioned above, this presents a unique opportunity to study how territory representatives themselves have characterised and described their respective arrangements, utilising a material which has not previously been included in studies on metropolitan affiliation (Chapter 4). Such regular discussions on self-determination are not held for non-NSGTs.

As an alternative approach, a comparison between former colonies that have made different choices regarding the three status options stipulated in Resolution 1541 (an independent state, an integrated territory, and a free association arrangement) would make possible different types of conclusions about the desirability of each option. While comparisons

have been made in the past, such studies (mostly using statistical approaches, see Chapter 1) have primarily focused on quantifiable development indicators as opposed to less tangible values such as self-determination. A comparison between different political status arrangements and their outcomes as they relate to self-determination could certainly make an important contribution. However, it would not be able to capture in as much detail the ideas around self-determination that exist in places where options are still supposedly open and these processes are presently ongoing. Further, it would risk cementing these options as the only acceptable or possible ones, contributing to what Yusuf and Chowdhury (2019a: 459) refer to as a "straightjacket" making the C24's view of decolonisation narrow, rigid and ultimately ineffective. A study of how NSGTs are pursuing self-determination and what their peoples consider as being important for its realisation opens up for additional ideas and a possibly broader view as to what self-determination could be.

3.2.1.4. Case selection: why the BVI and Anguilla?

A significant part of the thesis is based on case studies conducted on two BOTs: the BVI and Anguilla. In order to motivate this choice, it is first important to discuss why the British metropole is interesting in regards to the topic of self-determination. First, it can be noted that the UK is the main administering power in terms of numbers of affiliated NSGTs (nine out of the 15 island NSGTs being BOTs). Theoretically more significant, however, is its stance in regards to these territories (outlined in Chapter 2), where it has consistently affirmed their peoples' rights to self-determination but also argued that they are in fact already exercising it in "remaining British" and that they should therefore already be considered decolonized. A study of what self-determination is thought to mean and require in these cases, and of how present arrangements relate to it, is able to speak directly to this position, either reinforcing or challenging it.

Another reason as to why the British metropole is interesting lies in its frequent framing of present relationships as "modern partnerships" that

entail "real self-governance," in key documents as well as parliamentary debates (Chapter 2). This is important in relation to the study's secondary aim, i.e. to assess whether contemporary arrangements are compatible with the understanding of self-determination that the thesis ultimately proposes, and to thereby inform ongoing debates as to what these relationships represent. Here, there is a clearly articulated standpoint that they are not colonial but instead modern and allowing for self-determination, which can once again be either reinforced or challenged through a bottom-up, empirical study.

Further, the BOTs are interesting for an analysis of how self-determination is viewed and pursued outside of frameworks of independent statehood given their "uncertain position […] with respect to the UK state" (Harmer, 2018: 391) and the "constitutional ambiguity […] as to what exactly the UK is responsible for" (Scott, 2023: 61). As demonstrated in a study of British parliamentary debates in the years 2010-2017 (Harmer, 2018), the views of metropolitan MPs have differed strongly when questions regarding the obligations of UK-OT affiliation have been discussed. This includes questions of whether the metropole should impose legislation on the territories, or whether the OTs should have formal representation in the British Parliament. This showcases how the in-between positions of BOTs give rise to lingering ambiguities regarding how such relationships may be structured. An analysis of OT-level views, perspectives and experiences of present arrangements, particularly as they relate to self-determination, could serve to inform such debates in important ways.

Lastly, a study by Alberti and Goujon (2020) found that several BOTs including the BVI and Anguilla scored rather high on a set of indicators for "formal sovereignty" in small islands – higher than many other NSGTs and even close to or higher than some independent (e.g. Tuvalu) and freely associated (e.g. Niue; Cook Islands) states.[37] This could

[37] I do somewhat question the methodology of this study, and whether the data used (mainly from the CIA World Factbook) is really detailed enough to provide an accurate representation of the situations in these small territories, on which data is notoriously scarce overall. For example, Anguilla scores "1" on the indicator for "legislative power," which means that "the small island has its own constitution, with no sign of significant intervention from a mainland" (Alberti and Goujon, 2020: 13).

indicate that the British metropole has been particularly willing to develop alternative forms of sovereignty (here understood as closely linked to self-determination), making it something of a "most likely case" for the realisation of self-determination without independence.

I have selected the BVI and Anguilla for the field work portion of the study, on the basis that the inclusion of these two cases provides some diversity across contexts (Stake, 2005), where the phenomenon of interest (NSGT status and affiliation, in particular with the UK) is prominent but where the territories are also different in terms of size, economic profile and relationships with the UK (where e.g the BVI has created a more devolved constitution whereas Anguilla has not, Clegg, 2018, and where the BVI has been classified as a "partially independent territory" with supposed self-determination advantages, whereas Anguilla has been classified as a colony, in Rezvani, 2014; 2016). This provides opportunities to study how non-independence is experienced, and self-determination pursued, in different yet comparable settings.

According to Stake (2005: 23), studies of multiple cases are useful for examining how a certain phenomenon performs in a diversity of contexts. Stake suggests three criteria for selecting cases: firstly, the researcher should consider whether each case is relevant to the *quintain*, meaning a wider group of cases or examples of a phenomenon or condition. For the present study, this would be metropolitan affiliation and NSGT status in islands. With the aim of understanding the quintain better, we should study some of its sites or manifestations (cases), and examine what is similar and different about these sites (ibid: 6). A second criterion is whether the chosen cases provide *diversity across contexts*. Here, the phenomenon of interest should be prominent in the cases, and aside from this the sample should build in variety and create opportunities for the intensive study of the phenomenon (ibid: 24). The third criterion put forward by Stake is the *potential for learning* a lot from a case/cases. This relates to e.g. accessibility, the time one is able

This does not appear consistent with the empirical findings of this thesis, as the metropole retains both the right to reject OT peoples' suggestions for constitutional change and the right to unilaterally suspend territory constitutions.

to spend on each case, the logistics of conducting the case study and the possibility to obtain special insights. For each case to be adequately explored in a multiple case study, Creswell (1998) further suggests that no more than four be examined. For this project, I selected two, given its time constraints and the ambition to go as in-depth as possible while still exploring the phenomenon in more than one setting. I opted for territories where the official language is English, to ensure access to public documents and local media material and to make interviewing in interviewees' first language possible. I also selected cases within the same geographic region, to allow me to spend as much time as possible in each location given budget constraints.

The choice of two BOTs as cases limits the conclusions that can be drawn from this thesis regarding the NSGTs administered by the United States, France, and New Zealand. The wider group of NSGTs are featured in the first empirical chapter (Chapter 4), centred on a mapping of broader patterns and themes regarding how metropolitan affiliation has been described in a variety of cases. This part of the thesis makes possible an identification of what features and aspects of contemporary relationships have been brought up in forums dedicated to decolonisation and self-determination, and in what ways. What it cannot do, however, is to inquire more deeply into the views of self-determination which underlie the (relatively brief) statements shared with the UN committees. The thesis, therefore, is importantly limited in regards to what it can say about the governing of US-, France- and New Zealand-administered NSGTs.

Considering this, an alternative strategy would be to select cases administered by different metropoles, in order to truly maximise differences in terms of institutional and national contexts. However, selecting two BOTs, which are nevertheless different in terms of size, economic profile, and constitutional history/advancement, thus still ensuring some diversity, allows for a study of affiliation in two comparable settings where BOT-specific phenomena such as the roles and powers of Governors, belongership (a form of sub-state citizenship used in BOTs, discussed further in Chapter 7), instances of metropolitan direct legislation, and British approaches to the OTs can be considered

across different contexts. This strengthens the project's abilities to provide a rich and detailed analysis of UK-OT relationships.

A high degree of heterogeneity between all remaining NSGTs, in terms of e.g. size (although most would still be considered very small compared to most independent states), economy, demography, and the fact that they all have separate relationships with their respective metropoles, makes it difficult to make any broader generalisations based on case studies. However, with the selection of two rather different OTs as cases, this study still provides important insight as to how relationships with the largest administering power (the UK) are perceived and discussed in connection to self-determination in different contexts. In addition, although somewhat anecdotally, when I interviewed an Anguillian activist during my time in-territory, they brought up having been on a radio program aimed at bringing together persons from different BOTs, and described that "it was such a powerful program that they wanted me to come back, because we realised that all the territories have similar issues. Everybody," emphasising that "the common denominator is the United Kingdom" (Interviewee 17). Thus, while the variety of contemporary relationships and the distinct circumstances of each case should be recognised, the findings from the thesis could serve to inform discussions on BOTs where similar issues are experienced. Further, the theoretical insights drawn from these findings are relevant to wider debates about decolonisation and different features of territory-metropole governance arrangements, particularly as they pertain to the self-determination of NSGT peoples.

At the time the fieldwork was conducted, the BVI and Anguilla were both in the process of constitutional review, providing for opportunities to study how the metropolitan relationship is debated at a time when questions related to it can be thought to be most salient (e.g. with debates and public consultations being held), which constitutes another reason as to why these cases were selected. I was also able to visit both territories during times of political campaigning (in the BVI leading up to the 2023 general elections, and in Anguilla leading up to the 2025 general elections), making it possible to attend rallies, watch debates

and listen to political candidates on the radio. This provided further context and insight into how self-determination and constitutional relationships are debated.

When it comes to the BVI specifically, the territory was the subject of a Commission of Inquiry (COI) - an instrument used by the metropole to investigate e.g. the quality of governance in a territory - the report from which was published in April 2022. In the report, the BVI leadership was found to not live up to standards of good governance (e.g. openness and transparency), and its author recommended that "the only way in which the relevant issues can be addressed is for there to be a temporary suspension of those parts of the Constitution by which areas of government are assigned to elected representatives," and that should current abuses be "allowed to continue, then, in my view, they would put at severe risk steps towards self-determination as a modern democracy" (Hickinbottom, 2022: 10). In short, the report stated that the imposition of direct rule by Britain would be necessary for addressing governance failures in the BVI and it also tied this to self-determination. This recommendation was controversial and met with protests in the territory (Wintour, 2022), and the UK government subsequently announced that it would not impose direct rule at the time, but instead allow the BVI government to implement necessary reforms while retaining the right to intervene (Office of the Governor, 2022). Thus, while a constitutional review (independent of and unrelated to the COI) was ongoing during the fieldwork period, debates on the metropolitan relationship and self-determination were also particularly salient for this reason.

Chapter 4: A best of both worlds? Characterisations of metropolitan relationships and their implications for self-determination*

Constitutional arrangements tying non-independent island territories to metropolitan states have been hailed as potentially offering a "best of both worlds" (Baldacchino, 2006a: 49), where the smaller territory is able to enjoy a degree of administrative autonomy in combination with the security- and material gains associated with metropolitan ties. Conclusions regarding the overall benefits of affiliation have been drawn from statistical studies examining the connections between non-independent political status and socio-economic development outcomes (Armstrong and Read, 2000; Bertram, 2004; McElroy and Sanborn, 2005; McElroy and Pearce, 2006; Dunn, 2011; McElroy and Parry, 2012). Such advantages have, in turn, been suggested to lead to constitutional ties between territories and metropoles being retained as a rational choice (Baldacchino and Milne, 2006), as "most citizens feel that the existing systems of governance are still better than independence" (Clegg, 2012: 436).

While the above may be true, it tells us little about the *self-determination implications* of these governing arrangements, and how they are viewed by those living under them. This chapter informs academic debates on metropolitan affiliation by considering how NSGT-metropole relationships are characterised by territory representatives themselves, and what such characterisations tell us

* Parts of this chapter are based on a previously published article: Wangmar, Camilla and Ulf Mörkenstam (2025), "A 'Best of Both Worlds'? Characterizations of Metropolitan Relationships by Non-Self-Governing Territory Representatives," *International Studies Review* 27(3). https://doi.org/10.1093/isr/viaf012

about NSGT peoples' views and pursuits of self-determination. It does so by analysing addresses by NSGT representatives to two UN decolonisation committees between the years 2015 and 2024. Guided by Anaya's conceptualisation of self-determination as having an ongoing and a constitutive aspect, the chapter examines what views are voiced in these addresses regarding: contemporary day-to-day life as it relates to the governing institutional order (ongoing), and; NSGT peoples' powers to shape said order (constitutive, Anaya, 1993). On the former, Anaya (1993: 163) emphasises the relevance of "stories […] about oppressive government that impedes the ability of a group to develop freely in all spheres of life - stories of discrimination, suppression of democratic participation, and cultural suffocation" in identifying violations of ongoing self-determination.

As noted in Chapter 1, the literature remains divided regarding self-determination and metropolitan affiliation. Rezvani (2014; 2016) argues that such arrangements may in fact have advantages in providing territory communities with resources and goods that can serve to better fulfil their "economic, political and security self-interest" (2014: 45-46), which relates to the ongoing aspect, and Prinsen and Blaise (2017) suggest that island territory leaders are successfully redefining contemporary relationships "on their own terms," which relates to the constitutive. Meanwhile, Ferdinand et al (2020) caution against such characterisations by pointing to lingering frustrations and fears of re-colonisation, and Androus and Greymorning (2016) question *whose* visions of development (or whose "self-interest") are fulfilled through these types of arrangements.

Below, I provide an analysis of how NSGT-metropole relationships have been characterised in international forums aimed at decolonisation, to map out how these much-debated arrangements are experienced on the territory level. The chapter makes use of a material previously overlooked in political research, namely: addresses by representatives and petitioners from NSGTs to two UN decolonisation committees - the *Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,* commonly referred to as the Committee

of 24 (C24) and the *Special Political and Decolonisation Committee*, or Fourth Committee (C4). Both committees meet annually, providing spaces for NSGT representatives to regularly share their experiences of affiliation. The data used serves to capture contemporary debates and views, and thus includes addresses by island NSGT representatives and petitioners made during three types of committee meetings, all held annually between the years 2015 and 2024:[38] C24 regional seminars; C24 annual sessions and; C4 annual sessions. This includes statements by elected leaders, public officials and civil society representatives as well as individuals speaking in their own capacities as petitioners.

As a caveat in relation to this material, the question of participation should be considered. Scartozzi (2017) discusses how the practice of hearing petitioners in person used by the C4 as a tool of inquiry on NSGTs becomes a "hidden barrier," since these oral hearings require petitioners to be physically present, and to travel to the UN Secretariat in New York at their own expense. It is therefore important to note that testimonies shared by petitioners may not reflect sentiments held in all segments of NSGT populations. However, they do present a unique opportunity to map out the ways in which metropolitan relationships have been characterised in international forums. When it comes to addresses by elected territory leaders, which make up a significant part of the material, this is considered to be less of a problem, although it should be noted that representatives from some territories have attended seminars and sessions more frequently than others (see Table 4).

It should also, again, be noted that as this thesis speaks to ongoing debates in the field of island studies, the two non-island NSGTs (Western Sahara and Gibraltar) are excluded from the analysis. Further, given that committee meetings are not necessarily always attended by representatives from each NSGT, some territories (Pitcairn; Cayman Islands) are also effectively excluded from the analysis simply because their representatives have not addressed the committees during the studied time period.

[38] This excludes 2020, during which no addresses were made to the committees by NSGT representatives due to the Covid-19 pandemic.

Table 4. Committee addresses by island NSGT representatives

Addresses to UN decolonisation committees 2015-2022			
	C24 regional seminars **(Statements by island NSGT representatives presented)**	**C24 annual sessions** **(Island NSGT + number of addresses)**	**C4 annual sessions** **(Island NSGT + number of addresses)**
2024	Anguilla, BVI, Falkland Islands, St Helena, Guam, French Polynesia.	New Caledonia: 8; Falkland Islands: 4; BVI: 2; Guam: 2; USVI: 1; French Polynesia: 1; Tokelau: 1	French Polynesia: 27; New Caledonia: 8; BVI: 2; Guam: 2.
2023	BVI, Falkland Islands, St Helena, New Caledonia.	Tokelau: 1; BVI: 2; TCI: 2; Falkland Islands: 4; USVI: 1; French Polynesia: 1; New Caledonia: 4;	French Polynesia: 42; New Caledonia: 6; Guam: 1; BVI: 1
2022	Anguilla, BVI, TCI, Falkland Islands, Guam, French Polynesia	New Caledonia: 5; French Polynesia: 2; BVI: 2; Falkland Islands: 4; Tokelau: 1; Bermuda: 1; USVI: 1.	French Polynesia: 20; New Caledonia: 4.
2021	French Polynesia, BVI, Bermuda.	Falkland Islands: 4; French Polynesia: 2; BVI: 2; New Caledonia: 1; Guam: 1; Tokelau: 1.	French Polynesia: 3; Guam: 1; BVI:1
2020	**No addresses by NSGT representatives or petitioners were heard due to the Covid-19 pandemic.**		
2019	BVI, USVI, French Polynesia, Guam, Bermuda, Falkland Islands.	French Polynesia: 7; Falkland Islands: 4; Guam: 2; TCI: 2; New Caledonia: 2; Montserrat: 1; BVI: 1; Tokelau: 1.	French Polynesia: 28; Guam: 11; Anguilla: 1; Montserrat: 1; New Caledonia: 1.
2018	Falkland Islands, Guam, American Samoa, French Polynesia, Tokelau.	Falkland Islands: 4; Guam: 3; TCI: 2; USVI: 2; New Caledonia: 2; French Polynesia: 3; Montserrat: 1; Tokelau: 1.	French Polynesia: 27; Guam: 6; New Caledonia: 3, TCI: 1.
2017	American Samoa, Falkland Islands, French Polynesia, Guam.	Falkland Islands: 4; French Polynesia: 3; Tokelau: 1.	French Polynesia: 16; Guam: 16; New Caledonia: 5; TCI: 1.
2016	Falkland Islands, Guam, New Caledonia.	Falkland Islands: 4; French Polynesia: 3; Tokelau: 1; New Caledonia: 1.	French Polynesia: 19; USVI: 3; New Caledonia: 2; Falkland Islands: 1.
2015	American Samoa, Falkland Islands, Guam, New Caledonia, St Helena, TCI.	New Caledonia: 5; Falkland Islands: 4; Tokelau: 1; TCI: 1; French Polynesia: 1.	New Caledonia: 5; French Polynesia: 3; Guam: 2; Falkland Islands: 1.

4.1. Contested affiliation – and what addresses to the UN decolonisation committees tell us about it

The addresses to the decolonisation committees point to high degrees of contestation regarding what metropolitan affiliation entails for territory communities. In the studied time period, NSGT representatives have articulated opposing ideas as to whether such relationships represent a "best of both worlds" or whether they conversely should be understood as colonial. The following sections discuss how the committee addresses inform academic debates, using ongoing and constitutive self-determination as an overarching framework. First, an analysis of these addresses as they pertain to ongoing self-determination is presented, after which a discussion on addresses pertaining to constitutive self-determination, understood as the ability to influence to governing order under which one lives, follows.

4.1.1. The governing of day-to-day life

For an understanding of how arrangements for metropolitan affiliation relate to self-determination in its *ongoing aspect*, it is useful to consider their implications in terms of: the social welfare and development of the NSGT and its people; the cultural integrity of the NSGT people; the use of land and natural resources; equality and non-discrimination in the relationship, and; self-government (Anaya, 1996). These key elements provide structure to the analysis below.

4.1.1.1. Land and resources, and the pursuit of welfare and development

A first observation is that the impacts of metropolitan affiliation in relation to development and social welfare have been highlighted as positive by many NSGT representatives. This corroborates previous findings on the relative advantages of non-independence, and suggests that territory communities indeed tend to consider this as a key reason for retained ties. Peoples' abilities to participate in, contribute to, and enjoy economic, social, cultural and political development have been

construed as closely linked to self-determination (Anaya, 1996: 108). According to Rezvani (2014), such abilities may indeed be enhanced within frameworks of "partial independence," where territory communities will have access to goods through which the pursuit of development is facilitated. The range of options for development is expanded with greater access to e.g. financial transfers, reputational benefits, single markets, and the provision of external defence by a metropole, which would then speak in favour of affiliation in regards to the *social welfare and development* element.

In several addresses to the UN committees, the metropole has been characterised as a "partner" and provider of material wellbeing and protection. French Polynesian (autonomist) representatives have most frequently argued for such portrayals. For example, President of French Polynesia Édouard Fritch attended the C4 annual sessions in 2016, -17, -18, -19, and -21, repeatedly emphasising the significance of French support. Fritch has referred to the relationship as one of "pragmatic cooperation" (C4 annual session 2017, 3rd meeting) and to France as an "indispensable partner" for development (C4 annual session 2018, 3rd meeting), stating that there should be no shame in turning to a major country for support in view of the territory's limited means (C4 annual session 2017, 3rd meeting). At the C4 session in 2019, he highlighted the importance of metropolitan assistance in funding an extensive telecommunications infrastructure, health centres and schools. On political status, he stated:

> Maybe independence suits some countries, but not others. Independence is not the only path, or the magic way, to make a people happy. The dignity of a people is not necessarily built upon independence. […] The welfare of a nation depends primarily on the quality of its leaders. It is built on key priorities such as access to education, to health, access to land, culture, energy, connectivity, and transport. And this is the case of French Polynesia. (Édouard Fritch, C4 annual session, 2019, 3rd meeting)

During the same meeting, Fritch requested that French Polynesia be taken off the NSGT list, as it was "not up to the United Nations to impose a desire for independence" on its people. This suggests that

safeguarding the "dignity and happiness" of a people is not necessarily tied to independence in this understanding, but rather to continued support in achieving development in a number of areas. The emphasis on having access to social welfare and development as well as land and culture reflects Anaya's ideas about the key dimensions of ongoing self-determination, and suggests that this is not thought to stand in opposition to retaining the metropolitan link. On the contrary, affiliation is portrayed as making possible a range of development initiatives, in line with Rezvani's (2014; 2016) arguments. The statement by Fritch also reflects Philpott's (1998: 70) points about political independence not constituting a fundamental good in itself, but rather a means to achieving goods such as self-government and autonomy.

During the C4 2019 session (3rd meeting), the Vice President of French Polynesia Teva Rohfritsch similarly described challenges associated with isolation and climate change as being more pressing than decolonisation, asking: "What value should we assign to these artificial debates on the decolonisation of Polynesia when our islands will be swallowed by the rising sea?". In the same address, the "benevolent" and "reassuring" presence of France was again highlighted.).[39] During the 2022 C24 regional seminar, French Polynesian representative Engel Raygadas emphasised the importance of French support following the Covid-19 crisis, and further expressed that the territory's status "gives us enough powers to forge our future as we see fit." This would, again, be consistent with Rezvani's understanding of "partial independence" (French Polynesia being classified as a PIT in Rezvani 2014; 2016) as enhancing self-determination in the sense that PITs tend to have more freedom and opportunities for specialisation and the pursuit of innovative policies compared to independent states, due to the economic, political and security safety nets provided by the core state

[39] This point was reiterated by Terai in 2021, when he described his compatriots' main concern as "economic development and their material well-being" rather than decolonisation (C24 regional seminar 2021). It was also reflected in French Polynesian representative Manuel Terai's address to the 2019 C24 regional seminar, where he expressed that "job creation and the improvement of social well-being for all is what actually matters to the people of my country," pointing to the importance of strengthening the "partnership" with France.

(2016: 282). It is also in line with Nine's (2022) concept of self-determination as *functional autonomy*, in which intergroup relations and even high levels of dependence are considered as promoting self-determination *if* they entail enhanced opportunities for a group to autonomously plan for their long-term development to secure future interests and goals. The combination of insights from Anaya, Rezvani and Nine, along with statements by French Polynesian representatives, thus point to the possibility of (ongoing) self-determination being pursuable outside of the "straightjacket" of alternatives that the C24 has traditionally promoted (Yusuf and Chowdhury, 2019b). Could metropolitan affiliation indeed constitute a best of both worlds?

The above statements clearly exemplify a view of the metropole as a "benefactor," where its support is understood as crucial for development; the territory's vulnerability is emphasised, and; the relationship is characterised as an advantageous "partnership." This view has been echoed by representatives of other territories in various committee meetings. Isabelle Boewa-Mi, spokesperson for New Caledonian anti-independence party *Tous Calédoniens* stated in 2017 that New Caledonia had gained much from its affiliation with France in regards to quality of life, healthcare, education, housing, and pensions. She further argued that the territory, owing to its small size, would be unable to ensure its own defence and protect itself against terrorism or climate change without the metropolitan link, and that the well-being of the population "should not be sacrificed" for the ideal of independence (C4 annual session 2017, 4th meeting).[40] This was similarly expressed by Falkland Islands petitioner Teslyn Barkman in 2024, stating that the Falkland Islands were "too small" to be

[40] This sentiment was reiterated by Gerard Poadja, Congress of New Caledonia, during the 2018 C4 annual session (4th meeting), and the importance of metropolitan support for "human and maritime security" was similarly brought up during the same session by French Polynesian petitioner Felix Tokoragi (3rd meeting), showcasing the perceived value of metropolitan protection for both French NSGTs. A similar point was raised, again, by French Polynesian President Fritch in 2021, when he stated that in light of growing tensions between major powers, French Polynesia was "very concerned by the possible threats to the region," and that this issue was "more urgent" than decolonisation (C4 annual session 2021, 3rd meeting).

independent and had "no wish to be so" (C24 annual session 2024, 7th meeting). In these characterisations, security and protection depend directly on the metropolitan link.

In 2017, American Samoan representative Dr. Daniel Aga spoke about the rationale for retaining the territory's US link, reflecting the findings of previous studies regarding the relative benefits of affiliation and the consequent tendency among islanders to opt for it as a rational choice:

> One of the most important reasons for staying with the status quo lies in the substantial economic benefits made possible by our affiliation with the US. No one wants to risk the economic advantages available to families and the community. We see and admire the political independence of island nations close to us […]. But while the importance of political independence is paramount, it is the overall development of political, economic, and social sectors that our people observe and consider. Why else this propensity to keep the status quo? (Daniel Aga, C24 Caribbean regional seminar 2017)

Similar views have been reiterated by American Samoan representatives on several occasions. For example, during the 2018 C24 regional seminar, Attorney General Talauega Eleasalo Ale stressed the relationship's "critical importance" and argued that it had "yielded countless benefits for the people of American Samoa and its government" with the territory enjoying "the protection of the most powerful country in the world."

Addresses by other NSGT representatives have similarly pointed to understandings of territories as depending on their metropoles for protection and/or assistance, e.g. Tokelauan representative Afega Gaualofa emphasised during the 2016 C24 annual session and 2018 C24 regional seminar that Tokelau faces "major constraints" on its economic growth due to factors such as small size, geographic isolation, and limited resources, highlighting that "there is an expectation from Tokelau and the UN that the needs of Tokelau will be taken care of by the administering power." Tokelauan representative Kelihiano Kalolo reiterated these points during the 2019 C24 annual session, stating that "Tokelau is excited and appreciative of all these opportunities and blessings that it receives from New Zealand," emphasising support in

energy, construction, transport and telecommunications. St Helenian representative Pamela Ward Pearce stated during the 2015 C24 regional seminar that the territory's partnership with Britain "has spanned several hundred years and we value and depend on it. Our economy is based on Budgetary Aid which we receive each year from Britain", and British Virgin Islands (BVI) Premier Andrew Fahie described during the 2019 C24 regional seminar that the UK had provided "essential" crisis support in the immediate aftermath of hurricanes Irma and Maria 2017,[41] demonstrating how vulnerability to natural disasters can lead to views of such support as crucial even in relatively self-reliant territories.

For French Polynesia and American Samoa in particular, representatives have rejected characterisations of their peoples as "colonised", and even requested to have their territories removed from the list of NSGTs. In 2018, Gael Yanno, then President of the Congress of New Caledonia, similarly expressed hope that the territory "would be removed from the list of non-self-governing territories while remaining part of the French Republic," and that independence was not essential for decolonisation (C4 annual session 2018, 4th meeting). These arguments have been made with reference to the greater weight attached to the advantages of affiliation, as indicated above, and based on characterisations of the relationships as beneficial "partnerships" rather than oppressive structures.

Based on the above, it could be assumed that metropolitan affiliation is generally viewed as beneficial among NSGT representatives, which would also support Rezvani's (2014; 2016) arguments about self-determination advantages. However, the analysis of committee addresses also reveals a competing discourse, emphasising instead the harmful consequences of metropolitan ties in connection to wellbeing and development. This leaves a more ambiguous image of territory-metropole relationships, and lends support to the smaller body of research taking a more critical stance in regards to their impacts on development outcomes (Androus and Greymorning, 2016; Clegg, 2018). In contrast to the characterisations outlined above, some

[41] In the long term, however, the UK has been criticised for its limited and conditional support for recovery efforts in the BVI, discussed further in the following chapters.

speakers have described their territories' political statuses as not only constituting a hindrance to political and cultural autonomy, which has primarily been identified as a downside of non-independence (Veenendaal and Oostindie, 2018), but also as directly causing harm to other aspects of life typically assumed to benefit from affiliation. In 2021, Guamanian representative Anthony Marion Babauta stated that "the United States Federal Government continues to not only hinder the Chamorro people's right to self-determination, but threaten the social, economic and overall wellbeing of Guam and her people," characterising the metropolitan link as a hazard:

> Since the establishment of Guam's locally elected government, our island community has worked to address the unique issues of our island, many of them directly caused by our territorial status – especially the inflated costs of imported goods, the uncontrolled immigration into Guam, and the burdensome unfunded federal mandates placed on our local government. Despite the harmful and significant impacts of these colonial by-products, the United States military's unchecked actions in the lands and waters of Guam only serve to compound these problems and further hinder the achievement of our full social, economic and political potential. (Anthony Marion Babauta, C24 annual session 2021, 4th meeting)

The burdens associated with unfunded mandates were also brought up by Amanda Blas, Director of Guam's Commission on Decolonisation, during the 2017 and 2018 C24 regional seminars, and by the territory's Governor Eddie Baza Calvo during the 2017 C4 session. Blas explained that many of the federal mandates imposed on US states to help them "meet the goals of the US Government" also apply to the unincorporated territories (e.g. Earned Income Tax Credits; Affordable Care Act), with the difference being that the territories are not reimbursed for their costs (C24 regional seminar, 2017).

Here, Guam emerges as a case where self-determination if understood as functional autonomy (Nine, 2022) is diminished rather than supported by the metropolitan relation, as the mandates are based on the US government's priorities (where the democratic participation of the territory population is significantly limited) and as they impose

costs rather than provide means for the territory people to design courses of action based on their own preferences. For the social welfare and development element of self-determination to be realised, it is imperative that programs be designed in cooperation with the peoples concerned, "in accordance with their own collectively formulated priorities" (Anaya, 1996: 109). Self-determination in Anaya's and Nine's understandings is thus not the pursuit of development however defined, but the pursuit of programs and courses of action that the peoples concerned can identify as "appropriately their own" (Nine, 2022: 187). While Guam has been found to perform relatively well compared to independent small island states based on statistical indicators for socio-economic development (McElroy and Pearce, 2006), such observations are not sufficient to conclude that its people's *free pursuit of their own development* is facilitated by affiliation.

Aside from unfunded mandates, the US militarisation of Guam has been characterised as hazardous by several representatives and petitioners. Although the US national defence infrastructure is a key driver of Guam's economy (GEDA, 2020), addresses to the committees point to overwhelmingly negative views of an ongoing military build-up. Harmful consequences that have been emphasised include the loss of "rights and resources of the Chamoru people, the Indigenous people of Guam" (Michael Lujan Bevacqua, C24 regional seminar 2019), [42] contaminated sites and the destruction of limestone forests, native habitats and coral reefs, with a consequent relocation or loss of homes and the restricting of fishing grounds and ocean resources (Therese M. Terlaje, Guam legislature; Guam Commission on Decolonisation, C4 annual session 2017; Michael Lujan Bevacqua, Guam Commission on Decolonisation, C24 regional seminar 2019; Joshua Tenorio, Lieutenant Governor, C24 annual session 2019). Guam representative Clynt Rigdell further stated in 2024:

> As a non-self-governing territory, our relationship with the United States allows their government to make decisions that negatively impact our ability to advance our goals towards things like food

[42] The spelling of Chamorro/Chamoru is contested. When citing others, I will keep the spelling used in the original text, and otherwise I will use "Chamorro."

> sustainability, expansion of trade and commerce, external economic opportunities, and environmental and cultural preservation. (Clynt Rigdell, C4 annual session, 3rd meeting)[43]

This suggests that the benefits and downsides of metropolitan affiliation are not necessarily only experienced as a "head versus heart dilemma" as described by Veenedaal and Oostindie (2018), but that it may be a matter of dependence induced by territory economies being structured around metropolitan activities (e.g. the US military for Guam), where this, combined with democratic deficits, leads to outcomes that are experienced as negative even in material terms. The direct, negative effects of affiliation on tangible development outcomes have rarely been discussed in the literature, however the addresses presented above suggest that this requires consideration.

Speaking on the distribution of benefits, Turks and Caicos Islands (TCI) representative to the 2022 C24 regional seminar, John J. Malcolm, stated that "despite the fact that our economy is buoyant and the people are experiencing a measure of prosperity, […] the reality is the wealth of the country is concentrated in the hands of a few expatriated resident investors and not in the hands of the indigenous people."[44] These portrayals reinforce Androus and Greymorning's (2016) and Korson's (2021) arguments concerning inequalities and the overlooked negative impacts of affiliation, particularly for Indigenous communities. These arguments are based on the observations that economic development is not universally beneficial, often accruing differently to Indigenous and settler communities, and that the question of what should be considered the material and social "necessities of life" may very well be culturally determined (Androus and Greymorning, 2016: 457).

The case of Guam in particular lends further support to the point that in assessing non-independence arrangements, it is necessary to consider what interests are served by these models, and to reflect on the "possibility that Indigenous interests may differ from those of other

[43] A similar point was made in the same meeting by petitioner Harmony Palaganas (Guam Commission on Decolonisation).

[44] Indigeneity tends to be a contested concept in the British OTs, discussed further in the following chapters.

island occupants" (Androus and Greymorning, 2016: 448). If Guam's GDP per capita is increased as a result of militarisation, this would be interpreted in studies such as those conducted by McElroy and Pearce (2006) and McElroy and Parry (2012) as an indication of development. However, the addresses by Guam representatives showcase how these activities are perceived as causing serious harm to Indigenous lifeways, with limited recourse for the Chamorro people to protect their lands and natural resources (also relating to the *self-government* element of self-determination). This is an aspect that is key to the social welfare and development element of self-determination, but that remains obscured in statistical studies.

In the case of French Polynesia, where elected leaders have repeatedly emphasised the beneficial nature of the territory's relationship with France, it is worth noting that other speakers have directly challenged this view. Territory representative Manuel Terai explained during the 2019 C24 regional seminar that "the political divide in my country, for 40 years, has been between Autonomists […] and Independentists." He further pointed out that the autonomist side had won nearly all elections for the past 40 years, indicating strong public support for continued affiliation. However, in the 2023 elections, pro-independence party *Tāvini Huiraʻatira* won 38 out of 57 seats in the Assembly of French Polynesia, indicating a possible shift in views on decolonisation and political status. This shift was highlighted by several petitioners in the first C4 session held after the elections, where it was suggested that the people had "rejected the colonial narrative" (Odette Homai, C4 annual session 2023, 3rd meeting). In the same session, a representative of France stated that the metropolitan view was that French Polynesia was not a colony but self-governing, with its people enjoying "the same rights as all French citizens under the Constitution," (de Riviére, C4 annual session 2023, 3rd meeting).

In C4 and C24 sessions, both the autonomist and independentist sides have tended to be represented, and French Polynesia typically has numerous petitioners present (see Table 4.), making it stand out among the NSGTs as particularly actively contested in these settings (this is also true for New Caledonia). Among independentists, the metropolitan

relationship and its outcomes have been characterised in a way that clearly contrasts with the autonomist view discussed above. Here, the lingering effects of nuclear testing on the islands have frequently been brought up to the committees. In 2019, François Pihaatae, representing the Ma'ohi Protestant Church, referred to this as one of the most egregious acts ever perpetrated against humankind, and stated that 20 years after the final nuclear testing had come to an end "the moral and practical recognition of the health and social consequences of the testing, which have been confirmed as intergenerational, remain immediate challenges to the health and wellbeing of our people" (C4 annual session 2019, 3rd meeting).[45]

In addition, petitioners have pointed to a "colonial immigration policy" argued to not fit French Polynesian visions of migration and described as having "completely hindered" the territory's economic development, causing segregation, economic disparity and a labour crisis among the native Polynesian people (Justine Teura, C4 annual session 2016, 3rd meeting; Puarai Taerea, C4 annual session 2016, 3rd meeting). Control of natural resources has further been highlighted by several petitioners as a problem.[46] Richard Ariihau Tuheiava, elected member of the French Polynesian Assembly, spoke in 2015 on what he described as a "unilateral usurpation" of the marine resources contained in the territory's economic exclusive zone, stating:

[45] Intergenerational damages stemming from these tests, and the need for an updated dialogue on such issues, was also a point raised by French Polynesia representative Mareva Lechat-Kitalong during the C24 2024 regional seminar. In the C4 2023 annual session, 3rd meeting, the harmful and lingering impacts of nuclear testing were highlighted by French Polynesian petitioners Tevaearai Puarai, Tiaremaohi Tairua, Lena Normand, Vainui Temauri, Oscar Temaru, Ueva Hamblin, Tahia Brown, Odette Homai, Rudolph Jordan, Pierre Terou, Tafai Tapati, and Mickaël Chong.

[46] For example, during the C4 2023 annual session, 3rd meeting, the rights of the French Polynesian people to their natural resources as well as the territory's exclusive economic zone were stressed by petitioners Mike Cowan, Marielle Kohumoetini, Elise Vanaa, Ella Tokoragi, and Hina Kohumoetini. Many of these petitioners also described these rights as presently threatened as a result of the territory's colonial status and the metropole's unwillingness to cooperate and engage in the decolonisation process, e.g. Elise Vanaa pointed out that "French law gave the administering Power unilateral control over the market of strategic raw materials."

> This deprives the people of French Polynesia of the means to build a sustainable economic and social future and to move away from the profound economic dependency created by the false economy based on the legacy of French nuclear testing. Further economic exploitation occurs by other means. Since 2009, revenue in the form of taxes paid by more than 10 airlines to land at our own Tahiti-Fa'a International Airport goes to the French Treasury. […] Mr Chairman, natural resources and revenue from the territories appear to be the essence of contemporary colonialism. (Richard Ariihau Tuheiava, C4 annual session 2015, 3rd meeting)

This characterisation is radically different from those presented by autonomists, and challenges the image of the metropolitan relationship as promoting the free pursuit of development. Similar sentiments were echoed by Mickael Forrest, representative of New Caledonian pro-independence party *Front de libération nationale kanak et socialiste* (FLNKS) during the 2019 C4 session, where he stated that independence would enable the territory to put an end to "colonial practices" such as immigration creating social inequalities, and capital flight to the benefit of the metropole. With this, Rezvani's arguments about the self-determination advantages of PITs appear to be challenged, and a more ambiguous image emerges.

In 2024, French Polynesian representative Mareva Lechat-Kitalong attended the C24 regional seminar on behalf of the territory's (independentist) President Moetai Brotherson. Citing the President, she underscored that decolonisation "means ensuring harmonious socio-economic development in line with our identity, our history, our culture, our resources and our constraints,"[47] and that a precondition for this would be the Maohi people's ownership over its natural resources:

> Marine resources including undersea minerals shall not suffer any legislative enlargement of the list of "strategic" materials, a list upon which only the administering power has control, in Paris. The rights of our people over their natural resources, including terrestrial ones, but also aerial and spatial resources which are now collected by the

[47] This point was also raised by Brotherson himself at the 2023 C4 annual session, 3rd meeting.

> French state, are also fundamental. (Mareva Lechat-Kitalong, C24 regional seminar 2024)

While *social welfare and development* and *land and natural resources* are treated as distinct, although related, elements in Anaya's framework, they (as well as *cultural integrity*) are evidently connected to a point where they become nearly impossible to separate in the above understanding, with control over natural resources becoming fundamentally tied to the pursuit of a development that is based on the collective identity and -priorities of a people. As long as the metropolitan state retains control over natural resources, it may be possible to pursue *some form of* socio-economic development. However, the type of development stressed by both Anaya and Nine, as well as Lechat-Kitalong above, as essential to self-determination, i.e. one that is freely pursued by a people based on its collectively formulated priorities, would not be achieved.

In addresses to the committees by representatives and petitioners from other territories, there are examples of metropolitan actions being similarly described as harmful. In 2018, US Virgin Islands (USVI) petitioner Russell Christopher expressed:

> Currently, if you would like to deprive a people of their rights to self-determine, you would do what the controlling state have done. They have systematically dismantled the education system, they have altogether done away with agriculture, and they are implementing laws to restrict the ancestral Virgin Islanders from enjoying and using their natural resources. (Russell Christopher, C24 annual session 2018)

In McElroy and Pearce's (2006) study on development in affiliated vs independent islands, the authors use reliance on primary production (agriculture) vs on service activity as an indicator of economic development, arguing that non-independent territories "have more successfully diversified away from income-inelastic colonial staples […] towards income-elastic services like tourism and offshore finance" (2006: 533). In Christopher's view, however, the loss of agriculture is connected to a loss of self-determination, again calling into question whose concepts of development are pursued through affiliation.

Bermudian representative Christopher Famous, during the 2021 C24 regional seminar, described the UK Parliament's Foreign Affairs Committee's (FAC) release of a report on the OTs in 2019 as an attempt to "dictate to the peoples of the Overseas Territories" through "recommendations that would adversely affect us; economically, socially, and politically."[48] For instance, the report had recommended that the Foreign Secretary lay out a "clear and detailed timetable" (FAC, 2019a: 15) for the publication of beneficial ownership registers in the OTs following the passing of the Sanctions and Anti-Money Laundering Act (SAMLA), a decision that has been criticised for its potentially detrimental effects on island economies (see Chapter 2).

These characterisations of the metropolitan link as harmful lend support to Androus and Greymorning's (2016) suggestion that affiliation may not be perceived as beneficial for development despite the superior performance of non-independent islands found in statistical studies. They also reinforce Clegg's (2018) observation of the UK metropole as "no longer (seen as) a benevolent patron," and indicate that this is reflected in US- and French-affiliated NSGT as well. In addresses where harmful aspects are emphasised, references to "colonial" relationships are also common. Representatives from Guam, French Polynesia, New Caledonia, Bermuda, the BVI, TCI, and USVI have explicitly described their metropolitan relationships using this term.

It can further be noted that while American Samoan representatives have often rejected the notion of their territory being a "colony," they too have pointed to harmful effects. During the 2018 C24 regional seminar, Attorney General Talauega Eleasalo Ale described American Samoa as "vulnerable to unilateral US actions" and held that "[t]oo often, these federal actions expose us to harmful impacts in ways we cannot anticipate nor for which we can adequately plan," suggesting that while the "union" is generally appreciated, it is still recognised as

[48] The report is titled *Global Britain and the British Overseas Territories: Resetting the relationship*. Despite consultations being held with OT representatives as the report as prepared, it ended up presenting a set of recommendations (e.g. the abolishing of *belongership* in the territories, further discussed in Chapter 5; the legalising of same-sex marriage, and; the publication of registers of the beneficial ownership of companies) which were perceived as controversial by many OT citizens.

destructive in some respects. This point relates to Nine's (2022) concept of self-determination as functional autonomy, and suggests that while generally appreciated, the US link does still impede the American Samoan people's abilities for autonomous, long-term planning.

4.1.1.2. Non-discrimination and cultural integrity

Studies have observed that the supposed material advantages of metropolitan affiliation tend to stand in opposition to less tangible and more ideational drawbacks, relating to identity, culture and nation-building (Veenendaal, 2015; Veenendaal and Oostindie, 2018; Ferdinand et al, 2020). Aldrich and Connell (2020: 112) point to an increased weight attached to culture and identity as possibly the most significant change for overseas territories in the present century.

For distinct peoples to be able to maintain and develop their cultural identities in coexistence with other groups and sectors of society, their abilities to preserve and practice their own languages are considered central (Anaya, 1996; 2004). This is an aspect of metropolitan affiliation that may be more or less relevant to discuss depending on the NSGT – while some (e.g. French Polynesia, New Caledonia, Guam, American Samoa) are home to Indigenous populations with their own languages to which colonial rule would constitute a threat (see e.g. Bevaqua and Kuper, 2016), others are primarily home to "arrivant" (Brathwaite, 1973) populations that share the languages of their metropoles, albeit with local dialects, terms and phrases.

At the C4 annual session in 2024, Philippe Neuffer, representing the Protestant Maohi Schools of French Polynesia, pointed to education as a powerful tool for colonisation. He described how Polynesian children were still learning only French and Western history in a "biased" education system, with all education further being conducted in French. The result of this, he argued, was that the Tahitian language was losing its richness (C4 annual session 2024, 3rd meeting). Neuffer argued that while funds from the metropole were needed in order to raise teachers'

wages, this should not mean that the Ma'ohi people should be bound by the French curriculum.[49]

In the 2023 C4 annual session (3rd meeting), similar points were raised by French Polynesian petitioners underscoring how the French language had become "an instrument of colonialism" (Steve Chailloux, National Assembly of France) and how "students in French Polynesia learned all about France, while the French knew nothing about French Polynesia" (Lou Labrouse, Amazones Pacific). Allen Salmon (Commune of Paea) stated that "education was the most powerful weapon of the coloniser" and described how France had established an education system unsuitable for the Indigenous population, where mastery of French was required and with only a small number of bilingual schools.[50] This, he argued, reflected a "desire to repress the language, values and culture of Ma'ohi Nui" and further resulted in high rates of academic failure. During the 2019 C4 annual session (3rd meeting), petitioner Maryse Tautiare Ollivier similarly stated that her territory was suffering domination and an "intolerable situation" as a colony, emphasising that "[w]e are not just a population but we are Ma'ohi people" and "[w]e have a special identity, a cultural identity that the French state has tried in vain to erase."

This points to a situation where metropolitan support is provided for the funding of education, but where this also risks constituting a threat to Indigenous cultures and languages if it is expected that education then be modelled after metropolitan norms, preferences and values. This, once again, relates to Androus and Greymorning's (2016) argument that different conceptions of what desirable development is need to be considered before conclusions are drawn about "beneficial" outcomes of affiliation. Relevant to consider here is also Åhrén's (2016: 227) point about how *non-discrimination* may be interpreted in the

[49] The same point was made by Neuffer when he addressed the C4 during the 2023 annual session, 3rd meeting.

[50] A contrasting perspective has been articulated by Manuel Terai, representing the autonomist side, who stated that French Polynesians are "not oppressed in [their] identity and culture", being free to express themselves in their language and to live in accordance with their values (C24 regional seminar 2019). The education system was not mentioned in this address.

conventional liberal sense as equal treatment across the board (e.g. providing all education in the same language so that all individuals within a state share the same curriculum), or in an evolved understanding as giving all *groups* the same opportunities to develop their distinct cultures and identities (which would conversely encourage education in different languages, accustomed to different cultures). The French metropole is here clearly acting in accordance with the former, but would be considered as violating the latter.

Nine's (2022) *autonomy* criterion for assessing self-determination in intergroup relations also becomes relevant here. For this criterion to be fulfilled, the relation needs to allow for the group receiving external support to still perform their functions with procedural autonomy, i.e. to "form, reflect on, choose, and act on their positions" (2022: 188), and dependent relations thus cannot be used by the supporting group to implement their own ideas for the receiving group's development. In this view, it cannot be up to the metropole alone to interpret what non-discrimination means and requires, and then act on that interpretation without the NSGT people being able to define their own priorities.

It can perhaps be questioned where the lines between "internal" and "external" support or -groups should be drawn in the case of the French NSGTs, given how metropolitan- as well as some NSGT representatives have pointed to territory people having the same political rights in the metropole as metropolitan French citizens. Still, it is clear from the addresses that there are groups on the territory-level who experience that their Indigenous cultures and languages are threatened by the present education system, as a result of support being conditional. These groups have further been recognised as distinct peoples, both by virtue of their being Indigenous and their being NSGT peoples ("distinct ethnically and/or culturally" from their administering powers, GA Res 1541, Principle IV), on the basis of which French support could still be classified as largely "external." The case of French Polynesian education, then, demonstrates the importance of Nine's autonomy criterion for the cultural integrity element (Anaya, 1996) to be upheld in territory-metropole relationships.

The question of how NSGT peoples identify in relation to the metropole becomes relevant to consider in relation to cultural integrity and non-discrimination. In the addresses, several NSGT representatives emphasized that metropolitan ties had not only been retained for financial reasons, but also because of less tangible factors such a sense of a shared identity. In 2018, American Samoa representative Talauega Eleasalo Ale stated that "American Samoans are proud and loyal Americans" with "deep and entrenched" connections with the United States" (C24 regional seminar 2018). This emerges as reflective of what Royle (2010) terms a "culture of loyalty", where arguments for affiliation are not only rooted in material advantages (although it should be recognised that American Samoa receives financial support from the US, and that identity constructions may also be influenced by this as suggested by Harmer et al, 2015), but also in genuine affection. Ale continued:

> While there are certainly aspects of our form of government and our relationship with the United States that are challenging and in need of improvement, we as proud Americans, trust and believe that many, if not all of the solutions to these issues can be found within the confines of the American political and judicial systems - with perhaps a soft push from the international community from time to time.

This suggests that understandings of identity also have bearing on how the political relationship is viewed. Here, identification with the US is used as an argument as to why solutions to present problems should be sought primarily within American systems. In this understanding, it also follows that decolonisation is not a priority, as Ale emphasised in the same seminar that "I wholeheartedly join in the statements of my predecessors before this Committee, that we, the people of American Samoa, do not consider ourselves a colonized people", and hailed the territory's relationship with the US as one built on consent, trust and respect for Indigenous rights.

Similarly, St Helena representative Pamela Ward Pearce stated in the 2015 C24 regional seminar that "St Helena is and has always been very proud of her association with Britain and St Helenians fought hard to

have our British citizenship restored in 2002," and Falkland Islands representative Roger Edwards expressed in the 2018 C24 regional seminar that "Falkland Islanders have freely demonstrated their wish to remain British", also highlighting a shared "British" identity and rejecting the notion that the Falkland Islands is a "colony". Further underscoring a British identity, Premier of Montserrat Donaldson Romeo emphasised in during the 2018 C24 annual session (9th meeting) that "I am not here either as an enemy or as a distant acquaintance of the British, but like all Montserratians, I – we – are British. British citizens," calling on the committee to "work in partnership with Her Majesty's Government and with the government of Montserrat towards enhancing the flourishing and good name of us all."

In 2019, Anguillian representative Blondel Cluff, Special Adviser to the Premier, stated that the fear of losing metropolitan financial support was legitimate in many islands, however she also stressed:

> For Anguilla, the relationship is not - and I should say, and hope, that this is the case for other territories - not merely one of finance. It is based on heritage, culture and values that we have shared with our administering power for almost 400 years. Sadly, however, this is not – and I repeat, not – a modern relationship, nor is it at times one that offers respect to our citizens, and that can be hugely disappointing. (Blondel Cluff, C4 annual session 2019, 3rd meeting)

Here, it is recognised that remaining affiliated is not only a matter of financial considerations, but also of more ideational ones. In the same meeting, however, Cluff also stated that "Anguilla prides itself on its national identity and therefore the concept of integration is probably unlikely for us". The principles of similarity and difference, suggested by sociologist Richard Jenkins (2004) as key in identity construction, are both employed here in the sense that Anguillians are described as similar enough to metropolitans for the relationship to be viewed as ideationally important, yet different enough for full integration to be unlikely. This also highlights how identification in terms of similarity/difference in relation to the metropole is not binary, but rather a matter of the degree to which each principle is emphasised, and what implications this has for perceptions of the political relationship.

During the 2017 C4 annual session, Governor of Guam Eddie Baza Calvo stated that the people of Guam are indeed Americans but that their self-determination is nevertheless crucial, underscoring: "I love America, lao hu guiaya Guahan mas: I love Guam more". He thereby expressed affection for the metropole, but also used his native language to highlight distinctiveness, and to make the point that decolonisation should be prioritised. Similar to Romeo and Cluff, he further stated:

> I would like to make one thing clear: our decolonisation is not based on an enmity for America. I have love and affection for the United States, and I am proud of my heritage as an American. Our hope for self-determination is not a lack of patriotism, but rather the opposite. It's our hope to experience democracy, what its ideal is; liberty, opportunity and equality that are the foundation of the American dream. The same ideals for which many sons and daughters of Guam have proudly fought for and have died for, and are continuing to fight as members of the United States armed forces. The people of Guam are Americans, yet the rights that other Americans may take for granted are not a right for us, but an impossibility. (Eddie Baza Calvo, C4 annual session 2017, 3rd meeting)

The fact that the people of Guam may not vote in presidential elections, and a history of metropolitan arbitrary legislation against the native population, were brought up by Calvo as examples of Guamanians being denied democratic ideals. In the examples given above, both Calvo and Cluff notably stress similarity and a shared heritage but both also, in connection to this, point to injustices present in current arrangements. This (which will be further discussed in the following section) illustrates how points made in relation to identity also reinforce points made in relation to rights-claiming. A "British" or "American" identity and – even more powerfully – citizenship can be invoked in order to claim equal treatment in regards to e.g. access to welfare and democratic rights. Legal citizenship in the modern world has been identified as "closely linked to a norm of equality" which does not permit for any groups or individuals to be treated as second-class (Carens, 2000: 165). Highlighting a shared identity could thus make appeals to the non-discrimination norm more forceful, particularly in territories such as the US unincorporated territories and the BOTs

which most clearly occupy ambiguous, "in-between" positions in relation to their metropolitan states.

While Calvo, as shown above, has expressed an understanding that Guamanians are patriotic Americans, a different concern was raised by Edward Alvarez, executive director of the Guam Commission on Decolonisation, in 2016:

> Some people want to build a wall to keep non-Americans out of the country. I've oftentimes wondered whether that wall already exists, and we're the ones stranded outside the fort. What more if another wall goes up? Will we be considered Americans when we knock at the gate? (Edward Alvarez, C24 regional seminar 2016)

Rather than giving an account of identification among territory inhabitants, this point concerns the ways in which Guam's in-between status – neither fully foreign nor fully domestic – impacts on metropolitan views. This relates to Jenkins' (2004) argument that collective identities are constructed through a dialectic of internal-external definition, where *group identification* refers to *internal definition* where individuals define themselves and each other as members of a collective, and *categorisation* refers to *external definition* where individuals are placed by others in a collective which may be more significant to the categoriser than the categorised, and which does not have to be consequentially "real" to the people to whom it refers in order to have consequences (2004: 85). Here, Alvarez is concerned with the categorisation of Guamanians as Americans or non-Americans, and the consequences that would follow from this. Although Guamanians may identify as Americans, and although they are US citizens, the unincorporated status evidently still leads to uncertainties.

While the above examples illustrate a tendency to emphasise similarity, other speakers have conversely highlighted differences when describing territory and metropolitan identities. Echoing Cluff's reasoning discussed above, Tokealuan representative Afega Gaualofa described during the 2016 C24 annual session that independence was unlikely to be pursued for many of the remaining NSGTs, but that integration also came with perceived risks of "assimilation" and "loss of identity". In 2021, Bermuda representative Christopher Famous

stated, on the topic of metropolitan discussions on, and instances of, legislation for the OTs:[51]

> This leads us in the OTs to believe that no matter how many times we 'just say no', others, with no cultural connections to the OTs will still attempt to force us to 'just do it'. If ever there was a definition of neo-colonialism, this would be it. (Thomas Christopher Famous, C24 regional seminar 2021)

In this portrayal, the lack of "cultural connections" becomes a factor that casts metropolitan intrusion into local affairs as particularly undesirable and morally reprehensible ("neo-colonial"). Metropolitan actors are explicitly referred to as "others", illustrating how an emphasis on difference characterises identification. Similarly discussing attempts by the UK to legislate for its OTs, and tying together questions of identity with questions of democracy and legitimacy, Turks and Caicos Islands petitioner Benjamin Roberts stated in 2019:

> What 'partnership and progress' are we alluding to when eleven British parliamentarians an ocean away, almost exclusively white and male, get to dictate the fate and destiny of millions of people different from them, in territories that have kept afloat their empire for centuries? (Benjamin Roberts, C24 annual session 2019, 9th meeting)

Here, it is pointed out that metropolitan decision-makers are located far away from the territories; that they make up a homogenous, and historically dominant, group in terms of race and gender, and; that this group is "different" from the peoples for whom it makes decisions. Notably, while some representatives, like Cluff and Calvo discussed above, have used similarity in connection to rights-claiming, others, like Famous and Roberts, instead use difference to allude to unjust arrangements where distant "others" rule over OT inhabitants. This contrast highlights the ambiguous nature of present arrangements, and the "betwixt and between" positions of territories (Aldrich and Connell,

[51] Sanctions and Anti-Money Laundering Act 2018, and recommendations in the 2019 FAC report that the UK Government abolish belonger status and legalise same-sex marriage in the OTs through Order-In-Council.

2020: 425), where different understandings of identity also lead to different types of arguments being articulated.

Both the arguments relating to *unequal citizenship* and those relating to *outside dominance* can be linked to the non-discrimination element, described by Anaya (2004: 19) as going "beyond ensuring for indigenous *individuals* the same civil and political freedoms or the same access to the state's social welfare programs accorded others within a state" to also uphold "the right of indigenous *groups* to maintain and freely develop their cultural identities in coexistence with other sectors of humanity." If one agrees that colonized peoples should have similar rights, the statements presented above point to violations of the non-discrimination element in NSGT-metropole relationships, in the conventional liberal and in the "evolved" sense (Åhrén, 2016: 227).

4.1.1.3. Self-government

For self-government, two things are considered fundamental: a people's abilities to maintain and develop *autonomous institutions*, and their abilities to *participate effectively* in decision-making processes that impact on them at all levels (Anaya, 1996). NSGTs exhibit a wide range of political arrangements, some of which entail closer ties to the metropole in terms of e.g. voting rights and parliamentary representation. Views of what constitutes "external" interference (Veenendaal, 2015) relatedly also differ. In 2018, French Polynesian representative Engel Raygadas stated:

> Many of us on the C24 list are enjoying full internal autonomy, which goes far beyond the status of many other non-listed countries and territories. We are not colonies, subjected to foreign colonial domination or persecuted as some would have us believe. We are totally capable of thinking for ourselves and deciding what is good for our own countries. (Engel Raygadas, C24 regional seminar 2018)

Raygadas further linked this to the fact that "[a]ll citizens of my country have the same electoral rights as the French on the continent." The argument that French Polynesia is not subjected to "foreign domination" is thus supported by its citizens' equal rights to political

participation. This, along with characterisations of the territory-metropole relationship as a beneficial "partnership," has been used by autonomists as an argument against the labelling of the territory as a colony. Being able to "decide what is good for our own countries" (if this can also be acted upon) indicates that autonomous institutions are thought to be sufficient, and the emphasis on electoral rights suggests that French Polynesians, in this view, are able to participate meaningfully in decision-making on the metropolitan level.

However, independentists have also fiercely challenged this understanding. While French Polynesians do indeed enjoy equal voting rights to metropolitan French citizens as well as formal political representation in France, problems related to the immigration of metropolitan citizens to the territory have been raised. Justine Teura, Councillor of Tumaraa, during the 2016 C4 session, voiced concerns that French citizens were able to enter freely and re-settle in the territory, gaining the right to vote after only six months of residence, and that this practice risked "drowning out" the voices of native Polynesians. While there is "equality" in the conventional sense that citizens in French NSGTs do have political rights in mainland France, challenges to self-government could still arise if their abilities to self-constitute as distinct peoples are diminished by such a concept of equality (especially if Indigenous peoples run the risk of being in a permanent minority position and consistently outvoted in the metropolitan governing institutions, Beckman et al, 2022).

The points raised by French Polynesian autonomists that citizens in the territory enjoy the same rights as those in the metropole, and that they are thus not subject to domination, contrast with addresses by representatives of US-affiliated and UK-affiliated territories, where this does not apply. Guam representative Eddie Baza Calvo stated in 2017:

> 'We the people' are the three most recognised and powerful words of the US Constitution, the framework on which America's greatness has been built. Those three simple words are the start of what establishes justice, rights and equality for all citizens. Yet somehow, Guam has been forgotten when it comes to this. (Eddie Baza Calvo, C4 annual session 2017, 3rd meeting)

Although Calvo has expressed a sense of loyalty to the US, here it is also pointed out that the structure of the relationship does not reflect the identification of Guamanians as Americans. The democratic deficits to which previous studies (Fuentes-Rohwer, 2008; Lin, 2019) have pointed in regards to unincorporated territories are clearly also recognised on the territory-level in this case. Guam representative Melvin Won Pat-Borja further stated in 2019:

> Guam's territorial status has stripped us of any level of sovereignty and it prevents us from having any semblance of mutual consent. This is but just one example of the unilateral control that our administering Power has over Guam. (Melvin Won-Pat Borja, C24 annual session 2019)[52]

Similar to the sentiments described above, American Samoan representatives, despite repeatedly stating that their territory is not a colony, have also expressed concern with democratic aspects of their US relationship. For example, Talauega Eleasalo Ale described during the 2018 C24 regional seminar that American Samoa's "current government structure exists largely at the pleasure of the U.S. Congress," and that this "limits our ability to self-govern and exposes us to the vagaries of decisions made in Washington D.C. without our input." He also highlighted that American Samoa is "hampered by the fact that our one delegate to Congress is a non-voting member of the House of Representatives." Representatives of both Guam and American Samoa have thus described unilateral control and a lack of meaningful representation at the metropolitan level. While it has been more common for Guamanian representatives to explicitly refer to their relationship as "colonial,"[53] American Samoan representatives have rejected such characterisations yet still recognised democratic deficiencies. In other words, even when the link to the US is described as beneficial, and even when identification with the metropole is strong,

[52] "Example" here refers to Guamanians' lack of voice the military build-up process.
[53] E.g. Melvin Won Pat-Borja, C4 annual session 2023; Melvin Won Pat-Borja, C24 regional seminar 2022; Anthony Marion Babauta, C24 annual session 2021; Melvin Won-Pat Borja, C24 regional seminar 2019; Melvin Won Pat-Borja, C24 annual session 2019; Joshua Tenorio, C24 annual session 2019; Edward Alvarez, C24 regional seminar 2016.

the concern is still raised that the arrangement is flawed from a democratic point of view.

The case of Guam in particular points to a connection between the elements of *social welfare and development, land and natural resources* and *self-government*, based on e.g. petitioner Harmony Palaganas (Guam Commission on Decolonisation) stating:

> The lack of sovereignty over our air, lands and seas has enabled our administering power to impose their policies without including us in the decision-making process. Rules and regulations that control our waters are decided without consideration of its adverse impacts to our food sustainability, economy and commerce. Policies that restrict the use of our coastal region, the waters we fish in and the coral reefs that protect us are unilaterally decided. (Harmony Palaganas, C4 annual session 2024, 3rd meeting)

In the same session, Guam representative Clynt Rigdell pointed to the growing presence of the US military on Guam, which had not been preceded by the Chamorro people's free, prior and informed consent (FPIC). He pointed out that these activities were "[t]he results of bilateral negotiations between the United States and Japan, which only further exhibits our administering power's abilities to make decisions without seeking the consent of the people of Guam," and stated:

> The present period of military build-up on our island amidst geopolitical tensions are of concern to the people of Guam, most especially when our local government is disempowered from consenting to increasing military activities but is tasked with mitigating its impacts. Our current inequitable arrangement with our administering power must be addressed to ensure that Guam's local government acts as an equal partner in present and future military activities to ensure genuine security. (Clynt Rigdell, C4 annual session 2024, 3rd meeting).

It can be noted that while some of the addresses by Guam representatives have highlighted the lack of voting rights in the political institutions of the metropole as a democratic problem, the address by Rigdell goes beyond this by stressing the lack of FPIC and the importance of the Guam government acting like an "equal partner*"* in

the development of the territory. This suggests that simply being granted a vote would be insufficient for the people of Guam to participate *effectively*, and that special rights and an equal standing in decision-making processes should thus be granted.

Regarding the British OTs, several points of concern have been raised during committee meetings. While there may be a higher or lower degree of support for development provided by the metropole (the OTs exhibit a range where e.g. the BVI and Bermuda are more self-reliant whereas e.g. St Helena is more dependent financially), and while support might be crucial in more dependent OTs, it can also lead to perceptions of self-government being diminished. St Helenian representative Pamela Ward Pearce expressed in 2015 that while British support in developing the territory's infrastructure and constructing a new airport was highly valued, this had led to an influx of expatriate government workers, creating social divisions and "almost another tier of government that appear to sometimes operate without reference to Elected Members; which, paradoxically, has the effect of turning the clock back to even greater colonialism" (C24 regional seminar, 2015).

Another example of democratic problems in OTs concerns the roles of Governors, appointed by the Crown to function as metropolitan representatives in the territories. Governors exercise varying levels of executive and legislative functions, with their powers being shared with the local institutions of the territory (Yusuf and Chowdhury, 2019b: 181-182). Although elected OT governments are generally responsible for insular affairs, Governors to varying degrees have the right to intervene in local politics (Ferdinand et al, 2020: 53), leading to debates about accountability and legitimacy (O'Brien and Clegg, 2023: 138). In 2019, TCI petitioner Alpha Gibbs stated, on this:

> The United Kingdom continues to exercise its 'changing of the guard' with the rotation of appointed Governors without any input from the elected representatives of the citizens of Turks and Caicos, and totally devoid of any direct citizen input. Routinely, […] one character vacates the office of the Governor, and another appears, and we are never privy to any accounting of the performance of any of these characters. […] The constitutional limitations imposed on

> the citizens of the Turks and Caicos prevents them from seeking any redress for failures emanating from the office of the Governor. (Alpha Gibbs, C24 annual session 2019, 9th meeting)[54]

Gibbs pointed out that Governors typically are not prepared for the positions assigned to them, and that they are further exempt from the oversight of TCI law enforcement bodies or the Complaints Commission. Echoing these points in 2019, Anguillian representative Blondel Cluff described the position of her island in terms of democratic rights as one "that the average man on the street would find both inconceivable and untenable", stating:

> In practice, the territories are administered on behalf of the United Kingdom by a cohort of relatively junior civil servants in the United Kingdom government, many of whom are assigned to the territory for a brief period of time, and regard this assignment as a stepping stone in their career. This is hugely significant, as the democratically elected government of the island is in practice made to feel subservient to such individuals, and with few places to appeal to should their conduct challenge the welfare of the island or its democratic endeavours. (Blondel Cluff, C4 2019 session, 3rd meeting)

Cluff furthermore pointed out that Brexit would leave the Governor as Anguilla's only official voice on external affairs, where the territory would also continue to have limited political representation within the metropole. She held that by opting to continue as an NSGT, a nation should not be made to diminish the democratic rights of its people, "however in 2019, that is the position we find ourselves in."

In 2019, BVI Premier Andrew Fahie addressed the C24 and stated that, due to the Governor's reserve powers to intervene in the affairs of the territory, "[t]here is an inescapable friction in our constitutional arrangements in which the democratic will of the people runs against the monarchical authority of the Governor appointed by the UK." (C24

[54] Gibbs once again raised the point about Governors being "appointed without any input from the people or elected representatives of the Territory and remain[ing] explicitly exempt from local oversight" during the C24 annual session 2023, 4th meeting.

regional seminar, 2019). He continued by emphasising that "[t]o be sure, what I am referring to here is not the question of independence, but rather the upholding of the principle of self-governance, even under our current constitutional arrangements," describing the extent of the Governor's powers as a key shortcoming in this regard. Another concern raised by Fahie in the same seminar was the aforementioned metropolitan decision to legislate for the OTs regarding the introduction of public registers for the beneficial ownership of companies:

> The actions taken by the UK violate the principle of self-governance. It has long been established that the UK Parliament does not legislate for the BVI without our consent. The Territory is not represented in the UK Parliament and we do not wish to be. We have our own parliament composed of representatives that were elected by the people of the BVI to make decisions for our jurisdiction. (Andrew Fahie, C24 regional seminar 2019)

Here, the fact that the BVI is not represented in the UK Parliament is used as an argument as to why the metropole is wrong to legislate for the territory, demonstrating a reasoning where non-interference is prioritised over the opportunity to influence decision-making at the metropolitan level. It should be noted that the issue of the OTs' formal representation in Westminster is long-debated, where some territory leaders have argued in favour and others against. One key argument against concerns the potential loss of autonomy (Clegg et al, 2022), illustrated in the above quotation where the lack of representation is used to reinforce the point that the territory is a separate jurisdiction and that the metropole should not legislate for it without consent. As the OTs are not represented in Westminster, experiences of "external" interference are arguably also exacerbated when it does so. Similar sentiments concerning metropolitan direct legislation for the OTs were raised by Bermudian representative Christopher Famous during the 2021 C24 regional seminar, and by Montserrat Premier Donaldson Romeo during the 2018 C24 annual session, who referred to it as "a very backwards step, undemocratic and ill-advised."

The committee addresses highlight that *self-government,* the overarching political dimension of self-determination, is crucial for the

other elements described by Anaya (1996) to be achieved. In Chapter 3, I argued that constitutive self-determination should be considered a precondition for ongoing self-determination, as a people needs to be able to shape the governing institutional order to pursue their own development as their preferences change *over time*. Here, one could similarly argue that the self-government norm becomes a precondition for other norms listed by Anaya (social welfare and development; land and natural resources, and consequently also; cultural integrity). If a people cannot effectively participate in relevant decision-making processes and uphold autonomous institutions, it follows that development processes and decisions concerning the use of land and resources, or concerning policies that will economically impact on them, will take place outside of their control. This, in turn, will impede their cultural integrity - especially if one considers Moore's (2015: 40) point that collectives have attachments to specific land areas which form important sources of group identity. If the group cannot autonomously and effectively make decisions on whether the land to which they are attached should retain a certain character, or how it should be used, their cultural integrity cannot be upheld.

4.1.2. Influencing the governing institutional order

Regarding the ongoing aspect of self-determination and how metropolitan affiliation affects the day-to-day lives of NSGT communities, the previous section demonstrated that views on this matter have differed between territory representatives addressing the UN committees. While many recognise the relative benefits of affiliation for development outcomes, corroborating much of the existing literature on statistical relationships between political status and socio-economic development (e.g. McElroy and Pearce, 2006; McElroy and Parry, 2012), a range of addresses have also called attention to limitations and harmful effects of these arrangements in relation to the ongoing aspect of self-determination. References to issues relating to all elements (non-discrimination, cultural integrity, land and resources, welfare and development, self-government) have

been made by NSGT representatives, with a common, underlying theme among those critical of present arrangements being metropolitan domination and the lack of effective participation in decision-making processes. This will be further discussed in the concluding discussion, but first we will turn to the question of *constitutive* self-determination. If present arrangements do violate (ongoing) self-determination, the relevant question becomes: how can they be changed?

Being able to shape the governing institutional order under which one lives is key to the constitutive aspect of self-determination. Prinsen and Blaise's (2017) argument about an emerging "islandian sovereignty" speaks in favour of NSGT peoples enjoying quite a high degree of constitutive self-determination, or constituent power, with their leaders being successful in renegotiating and redefining their constitutional relationships "on their own terms." This would also mean that they in reality could act as "makers" of the institutional order (Stilz, 2015) to a greater extent than one might expect given their colonial status. But why, then, would fears of re-colonisation (Ferdinand et al, 2020) still be so prevalent in these cases? This section addresses this question by analysing what the addresses to the UN committees tell us about the influence that NSGT communities have in terms of shaping the governing orders under which they live.

I will break constitutive self-determination down into four parts, relating to the questions of *creating, modifying, upholding* and *ending* the governing order. This is influenced by Dahl's (2018: 48) definition of constituent power as the power to "begin, end, or modify" the political order, where "uphold" has been added based on the insight emerging from the empirical analysis (pertaining to metropolitan unilateral changes) that a situation in which a people wishes to keep the order as it is, but where it can be externally changed or ended, is arguably also problematic in relation to constitutive self-determination. When it comes to the question of *creating* the governing institutional order, it makes little sense to argue that NSGT peoples have had the power to do so, seeing as existing relationships between metropoles and NSGTs have come about as a direct result of colonisation. The

relationship with a particular metropole was not freely chosen when it was introduced, but imposed externally.

However, the possibility of extensively and fundamentally re-shaping and *modifyin*g this order could potentially allow NSGT peoples to exercise a form of islandian sovereignty, closely linked to constitutive self-determination. An order that was originally externally imposed but that has, over time, been amenable to modification to such a degree, on such a fundamental level, and which such power and influence exercised by the people living under it that they can now consider themselves as makers of it, would arguably be far less colonial than one which has not been amenable to such modification. In addition, if the people living under said order have the power to *uphold* it, without the metropole unilaterally deciding to modify or end it, this would be an equally important part of constitutive self-determination (this aspect is not discussed by Prinsen and Blaise). Finally, it is clear that all NSGT peoples legally have the right to *end* their metropolitan affiliation, thus their governing institutional orders, by virtue of their right to a freely chosen political status, including independence.[55]. However, for various reasons (e.g. dependency, which has been discussed above, and disagreements regarding voter eligibility, which will be discussed below) this may be impeded in practice.

4.1.2.1. Can the order be modified (or ended)?

Regarding the question of modifying the governing order, several NSGT representatives and petitioners have raised critical points. Representatives of Guam have been some of the most vocal in opposing the image that negotiations around decolonisation between the territory and its administering power would have been carried out in good faith and between two equals, allowing for the territory people to redefine their metropolitan relationship. In 2019, Guam representative Joshua

[55] Chapter 5 elaborates on the question of whether *having the right to separate* in itself means having self-determination, and whether present territory-metropole relationships should be construed as voluntary given the formal and theoretical possibility of exiting.

Tenorio addressed the C24, expressing frustration with the metropolitan state's unwillingness to participate in good faith negotiations with the people of Guam on decolonisation and political status. He stated that "[w]jthout political interest from the highest levels of leadership from the administering power, practical discussions would never take root" (C24 annual session, 2019). On attempts by territory leaders to engage with the metropole, Tenorio stated:

> Clearly nothing that we have proposed—all of which consistent with the standards of international law—has been acceptable to the administering Power. The only course proposed by the administering power, to date, is the status quo — which is not the desire of Guam. (Joshua Tenorio, C24 annual session 2019)

During the same session, Guam representative Melvin Won Pat-Borja similarly described:

> Our local government has cooperated and communicated consistently with our administering Power. We participate in good faith despite our lack of meaningful representation. But we grow tired of running this rat race and we have become skeptical of the carrots dangled in front of us – empty promises of increased autonomy and equity that have historically gone unfulfilled. (Melvin Won Pat-Borja, C24 annual session 2019)

At the C24 2019 regional seminar, Borja further stated that "several Federal officials have opined that there will never be another freely associated relationship with the United States, therefore FA[56] should not be a viable option," constituting another hindrance to transferring from the status quo. This suggests that Guamanian representatives would likely reject the image of themselves as successfully renegotiating the metropolitan relationship on their own terms, a suggested by Prinsen and Blaise (2017), based on the administering power's unwillingness to accept their proposals for changes and its rejection of the free association option. If metropoles ultimately still set the parameters for constitutional negotiations and, as Corbin (2009a: 263) describes, retain

[56] Free association. This is similar to what Corbin (2009b: 93-94) describes regarding the British metropole having "removed the options of free association and integration from the negotiating table" (further discussed in the following chapters).

the "the authority to accept or reject the territory's suggestions," this poses serious limitations to constitutive self-determination.

Further, given disagreements between the Guam Government and US courts regarding voter eligibility, the territory's decolonisation process has stalled (Spitzer, 2022). Several Guam representatives have pointed to the *Davis v. Guam* legal case as an obstacle to self-determination. In 2011, Arnold Davis, a retired US military captain and resident of Guam, sued the Guam Election Commission after it had denied his request to register for a political status plebiscite due to him not meeting the requirements for voter eligibility. Eligible voters were described as "native inhabitants", defined as those who became US citizens through the 1950 Organic Act and their descendants (Torres, 2012: 170). Davis held that this definition constituted discrimination on the basis of race (ibid: 170-171). In 2020, the *Davis v Guam* case ended with the US Supreme Court denying Guam's appeal of a 9th Circuit Court decision which had ruled in Davis' favour (The Guam Daily Post, 2020). According to this ruling, the limiting of the vote to those who became US citizens through the 1950 Organic Act and their descendants "so closely parallels a racial classification that it is a proxy for race" (Limtiaco, 2020). This echoes a statement in the 2000 *Rice v. Cayetano* case where the Office of Hawaiian Affairs' trustee voter classification (limiting voting to persons of Hawaiian ancestry) was similarly invalidated for violating the 15th Amendment of the US Constitution: "Ancestry can be a proxy for race" (Torres, 2012: 153). This would then make the voter eligibility criterion race-based, thus unconstitutional.

Addressing the UN committees, Guam representatives have described how self-determination is hindered by the administering power's "imposing uncontrolled immigration" along with the "position that the entire population of Guam participate in a self-determination plebiscite" (Melvin Won Pat-Borja, C24 regional seminar 2022). This has been viewed as not only putting "a strain on our native rights but on our ability to choose our political future"[57] (Amanda Blas, C24 regional

[57] Similar sentiments were expressed by Michael Lujan Bevacqua (C24 regional seminar 2017), who further stated on the failure of international law to protect the rights of colonised, distinct peoples: "Davis' attorney had gone so far as to claim that

seminar 2018). At the C4 2021 annual session (3rd meeting), Joshua Tenorio expressed that the outcome of the Davis case was "consistent with the long-standing practice of the administering power of selectively applying domestic policy over Guam in certain situations and treating it as foreign in others." This highlights how ambiguous positions in-between foreign and domestic (Burnett and Marshall, 2001) risk leaving peoples in situations where e.g. the *non-discrimination* norm, here understood in the conventional liberal sense (Åhrén, 2016), is sometimes invoked (as in the Davis case) and sometimes bypassed (with citizens living in the territories being denied meaningful participation in the governance structures of the metropole). This impacts on the self-government element, and also has implications for the exercise of constitutive self-determination seeing as this requires a delineated "people."

For the USVI, attempts have been made, although so far unsuccessful, to draft a constitution for the territory. In 2016, USVI petitioner Russell Cristopher expressed that the territory's laws and Organic Acts:

> … were not written by the Indigenous and ancestral Virgin Islanders, but were written by a coloniser whose image and values do not reflect that of the Indigenous and ancestral people of the Virgin Islands. They do not produce results that benefit and are in the best interest of the Indigenous and ancestral Virgin Islanders. Under this current status, we are not allowed to create laws and constitutions that are truly in the best interest of the Indigenous and ancestral people without experiencing the effects of being governed by a coloniser. (Russell Christopher, C4 annual session 2016, 3rd meeting)

In 2024, Christopher again addressed the C24 (annual session, 4th meeting), describing how in 2009, the USVI had elected delegates to a constitutional convention to draft "our own constitution" that would reflect the interests of the people as well as being in harmony with international law. This refers to a proposal for a new constitution that was sent to the US President and subsequently submitted to Congress in 2010 to be approved, amended or modified. Instead, Congress passed

international law doesn't exist and no one knows what it is," and Edward Alvarez (C24 regional seminar 2015).

Public Law 111-194, to "provide for the reconsideration and revision of the proposed constitution […] to correct provisions inconsistent with the Constitution and Federal Law." This included "the absence of an express recognition of United States sovereignty and the supremacy of Federal law;" "provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency, or ancestry;" "residence requirements for certain offices;" "provisions addressing territorial waters and marine resources" (Public Law 111-194, 2010).[58] Among the "legal advantages" was the provision in the proposed constitution that special elections on political status "shall be reserved for vote by Ancestral Native and Native Virgin Islanders only" (Article XVII, Section 2). On these grounds, the constitution was rejected. Regarding this, Christopher continued:

> In the 21st century, exercising our right to self-determine and to decolonise, it is met with ongoing interferences and attempted sabotage that is led by the United States Department of Justice, the United States Department of the Interior, and the land-grant University of the Virgin Islands it controls. (Russell Christopher, C24 annual session 2024, 4th meeting)

He further expressed that the administering power had sought to maintain the colonised status in order to control the territory's resources, and stressed that "self-determination must not be subject to laws established by the coloniser."[59] In 2019, USVI representative Tregenza Roach referenced the same 2009 attempt at establishing a

[58] The proposed constitution established the categories "Ancestral Virgin Islander" and "Native Virgin Islander" to denote persons with VI ancestry (Article III, Section 1), and stated that the Governor and Lieutenant Governor should "be an Ancestral or Native Virgin Islander" (Article VI, Section 3). It also established that "[t]the Government shall have the power to manage, control and develop the natural and marine resources comprising of submerged lands, inlets and cays; to reserve to itself all such rights to internal waters between the individual islands, claim sovereignty over its inter-island waters to the effect that territorial waters shall extend 12 nautical miles from each island coast up to international boundaries" (Article XII, Section 2).

[59] Guamanian scholar Michael Lujan Bevacqua, attending the C24 regional seminar as an expert in 2017, similarly stated that "a process of decolonization that must follow the rules of the colonizer is not decolonization: it is an extension of colonization." This point was reiterated by Guam representative Melvin Won Pat-Borja at the C24 regional seminar in 2019. In both cases, the statement was made in reference to the *Davis v. Guam* case.

constitution for the territory, that would entail more self-government and special rights for "Native Virgin Islanders" "because they represent the ones who were colonised, and who did not have the opportunity to define and determine their destiny as a people" (C24 regional seminar, 2019). He noted that "that position, is clearly not shared by all," referring to migrants from the Eastern Caribbean as well as US Citizens "who trumpet their rights under the United States Constitution and controlling Federal law." On the possibility of establishing a constitution, he stated:

> When the Congress passed Public Law 94-584 authorizing a locally drafted constitution […] that law also provided that any Constitution adopted by the people of the Virgin Islands would require the approval of the Congress of the United States. […] In the context of this Resolution, the adoption by a NSGT of a constitution which would first have to be approved by the administering power, would not be endorsed as a movement to more self-government. (Tregenza Roach, C24 regional seminar 2019)

This points to a situation where constitutive self-determination, aside from the choice for a permanent political status, is impeded due to the administering power's authority to reject any suggested changes to the arrangement that are not thought to be consistent with US interests. One could even argue that constitutive self-determination *as* the choice for a permanent status is impeded given disagreements about who should constitute "the people" and be eligible to vote in such situations. Just as with the *Davis v. Guam* case, described above, the metropolitan position has been based on a conventional liberal interpretation of non-discrimination as equal treatment of all individuals within a state (as described in the 15th amendment of the US Constitution), as opposed to the alternative interpretation recognising cultural (group) identity and permitting for differentiation (Åhrén, 2016: 227). In the cases of both Guam and the USVI, there have been attempts to establish that only those considered "native" and colonised should be able to vote on political status, however this has run counter to the metropolitan interpretation of non-discrimination and such attempts have consequently been hindered.

Another example of contestations around voter eligibility is found if one looks to New Caledonia, where the French Parliament adopted a bill in May 2024 that would dismantle one of the cornerstones of the 1998 *Nouméa Accord*.[60] The Nouméa Accord had established that voting rights in provincial and congressional elections, and in political status referenda, should be limited to inhabitants who had been residents since 1988 and since 1994 respectively, creating a so-called "frozen" electorate (Korson, 2021: 298). The bill, which would give voting rights in provincial elections to all French citizens who had resided for more than ten years in New Caledonia, was viewed by local leaders as "dilut[ing] the Kanak vote and undermin[ing] longstanding efforts to secure independence" (The Guardian, 2024). Following violent protests in the territory, it was later suspended by French President Macron (ibid).

During the 2024 C24 annual session (4th meeting), the bill was described by petitioner James Bhagwan as an attempt to "use externally designed and controlled means to determine the political future of Kanaky." Robert Xowie, (FLNKS, French Parliament) stated that the vote in the French National Assembly to alter the New Caledonian electorate "ran directly counter to the principle of constitutional irreversibility enshrined in the Nouméa Accord" in "unilaterally opening the electoral roll to French immigrants." While many petitioners condemned the violence that had ensued in the territory following the vote in the French Assembly, the bill in itself was described as "assimilationist" (Jerome Bouquet-Elkaim, 3rd meeting) and as "flouting the right of the Indigenous Kanak people to self-determination" (Ludovic Boula, 3rd meeting). In contrast to the Guam and USVI cases, the metropolitan position did eventually give way to the Kanak protests with the bill being suspended by Macron, but only after a period of intense violence, multiple deaths, military interventions and the declaration of a state of emergency.

[60] A framework agreement between the French Government and New Caledonian movements and parties, outlining a process for a transfer of powers from the metropole to New Caledonia.

Voter eligibility has also been contested for BOTs. In 2019, the aforementioned report by the FAC urged the British government to, by Order in Council, abolish the institution of *belongership*. This is a territory-specific status that is held concurrently with the national citizenship and which confers certain rights (including the right to vote, similar to New Caledonian citizenship). The FAC (2019a: 32) labelled this institution "discriminatory" against resident UK citizens. During the 2019 C24 regional seminar, BVI Premier Andrew Fahie described how abolishing it would "permit legally resident British and Overseas Territory Citizens that are currently ineligible to vote or run for elected office in the Territories to be able to do so," referring to the recommendation as "very disturbing" in completely disregarding OT constitutions.[61] During the same seminar, Bermuda Deputy Premier Walter Roban described the recommendation as "an affront" and as contradicting ideas about "modern partnerships." Following the UK Government's response to the FAC report, where it stated that it would not abolish belongership by Order in Council (FAC, 2019b), BVI petitioner Benito Wheatley stated that this development could "pave the way for the United Kingdom and its Overseas Territories to reset their relationship" (C24 annual session 2019, 9th meeting). This suggests that while disagreements may exist on what constitutes political equality and legitimate boundaries, such disagreements could be overcome with clear frameworks for affiliation.

The introduction to this section stated that the question of whether NSGT peoples have a right to *end* their governing institutional orders by separating from their metropoles appears quite straightforward (yes, they do). However, obstacles clearly still exist if one considers the above examples. These accounts demonstrate how pursuing a different political status can be made difficult due to ambiguities and conflicts surrounding the self-determining "people." In situations where the metropole is able to exert control over democratic boundary-drawing and where there are conflicts regarding how such boundaries should be drawn (e.g based on different interpretations of non-discrimination), as

[61] Similar points were made by TCI petitioner Benjamin Roberts at the C24 2019 annual session, 9th meeting.

in the cases of Guam and the USVI, opportunities might be impeded not just for modifying the governing order but also for ending it, creating an impasse where the status quo persists.

For New Caledonia, as with French Polynesia, it should be noted that there have, again, long been opposing views on the arrangement between pro- and anti-independence representatives. Claude Gambey, speaking on behalf of New Caledonian President Louis Mapou, addressed the C4 in 2024 (3rd meeting), stating that: "the people of New Caledonia had long been presented with a binary choice, 'yes' or 'no' to independence" and that "the path forward moved away from that debate and towards building a collective future" in which ties with France could be redefined and responsibilities transferred from the metropolitan to the territory level. He further held that "New Caledonia was already involved in a diplomatic and cooperative role that placed it on the verge of exercising sovereignty." This supports ideas about "islandian sovereignty" as consisting in the power to renegotiate metropolitan relationships (Prinsen and Blaise, 2017). It also suggests that the view of self-determination as a binary choice between independence and affiliation is too narrow, and that (constitutive) self-determination could instead be pursued through such processes.

Regarding constitutional change in BOTs, Anguilla representative Kenneth Hodge described in 2022 how attempts at constitutional review in the territory, including a draft Constitution being submitted in 2017, had been based on the two main public demands of improving democracy and improving standards in public life. On the former, he highlighted that "[w]hile there is the expressed desire of Anguillians to have more authority vested in the elected officials, in the key areas the proposed draft Constitution does not allow for a reduction in the powers of the UK appointed Governor", and that "[t]he UK maintains that as long as Anguilla chooses to remain a UK Territory, the UK must retain executive and legislative powers through the Governor and Secretary of State to ensure compliance with UK international obligations,

maintenance of good governance and manage UK contingent liabilities" (C24 regional seminar, 2022).[62]

This, then, constitutes an example of desired changes to a governing arrangement being made impossible due to the metropole's position and responsibilities taking precedence. Some aspects of the constitution and constitutional relationship may be open to modification - for example, Hodge once again addressed the C24 in 2024, describing how aspects of the aforementioned draft constitution had been sent to the UK Government to amend the Anguilla Constitution, increasing the number of elected HoA members by providing for four members elected on an island-wide basis (C24 regional seminar, 2014).[63] However, others, such as the powers of Governors, may not be. This implies that in order to better understand the possibilities and limitations of "islandian sovereignty" as an avenue for exercising constitutive self-determination, there is a need to consider not only how frequently constitutional negotiations take place, but also what aspects of the territory-metropole relationship have or have not been open to change, and the extent to which there are desires among the NSGT people to make changes to these aspects.

Similar to the US, the British metropole has further been criticised for rejecting the option of free association for its remaining NSGTs, pointed out by BVI representative Benito Wheatley at the C24 annual session in 2024 (3rd meeting), as well as by TCI representative to the C24 2015 regional seminar Conrad Howell, who described how "[c]urrently the UK says we have two options – name a date and be ready in 24 months to take on independence, what has happened to the

[62] Yusuf and Chowdhury (2019: 186) point out that in Anguilla, the Cayman Islands and the Falkland Islands, constitutions provide the Governor with reserve powers to enact bills or "push through bills they anticipate won't be passed by the local legislature". In the Anguilla Constitution Order 1982 (section 56), it is stated that: "(1) If the Governor considers that it is expedient in the interests of public order or public faith […] that any Bill introduced or motion proposed in the Assembly should have effect, then, if the Assembly fails to pass the Bill or to carry the motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor, acting in his discretion, may, at any time that he thinks fit […] declare that the Bill or motion shall have effect as if it had been passed or carried by the Assembly […]".

[63] Prior to this, all elected members were elected on a district basis rather than at-large.

other options the UN espouses?". The implications of reducing decolonisation to a choice for or against independence will be further discussed in Chapter 5, but for now it can be concluded that statements from both US- and UK-affiliated NSGT representatives indicate that options which appear to be available based on the international legal frameworks, may not in fact be.

In sum, this section has demonstrated that opportunities for ending the governing order by pursuing a different status in accordance with international law may be impeded in practice due to a) disagreements about democratic boundary drawing in both US-, UK- and French-affiliated NSGTs, and b) political status options aside from independence requiring the consent of the larger state, where both the UK and US are described as having rejected the free association option. It has also demonstrated that while the addresses to the UN committees present some evidence that changes to NSGT-metropole relationships can be successfully negotiated (most clearly expressed in the case of New Caledonia, which has also been at the centre of the studies on islandian sovereignty by Prinsen and Blaise, 2017, and Prinsen et al, 2017), it remains questionable whether arrangements can really be *meaningfully and substantially* modified in all cases, given the metropole's reluctance to participate in good faith negotiations as described in the case of Guam, or its responsibilities and priorities resulting in the most desired changes remaining out of reach as described in the case of Anguilla.

4.1.2.2. Can the order be upheld?

The aforementioned attempt by the French National Assembly to legislate on voter eligibility for New Caledonia could not only be viewed as threatening Indigenous control over the decolonisation process and future status changes. The possibility of the metropole legislating "unilaterally" (as described, although French NSGT citizens do have political rights and representation on the metropolitan level) on voter eligibility also raises questions in regards to the abilities of colonised peoples to autonomously maintain governing orders that they

wish to keep in place. Similarly, regarding the aforementioned FAC recommendation for the UK government to abolish belongership through Order in Council, BVI Premier Andrew Fahie has stressed the need for "stronger constitutional provisions to shield us from the whims of the UK Parliament" (C24 regional seminar 2019). This is a facet of metropolitan affiliation that arguably should matter in regards to "islandian sovereignty," yet one that has received little attention.

When it comes to the question of *upholding* the governing institutional order, rather serious issues pertaining to it have been raised by BOT representatives in particular. For example, TCI representative John J. Malcolm has pointed to the partial suspensions of the TCI Constitutions in 1986 and 2009, describing them as "setbacks" subverting the NSGT people's efforts at realising self-determination (C24 regional seminar, 2022). In both instances, suspension of the territory constitution was preceded by a UK-appointed Commission of Inquiry (COI) into alleged corruption in the TCI, resulting in recommendations for forms of interim direct rule from Westminster to be imposed while necessary reforms would be undertaken (Clegg, 2012b). From one perspective, this could possibly be considered a net positive for the TCI people in regards to self-government and democratic rule, in the sense that high levels of corruption and mismanagement within governing institutions pose serious limitations to peoples' abilities to collectively make decisions and act on their own priorities, and thus need to be remedied. From a different perspective, however, the imposition of direct rule from London places the TCI people under a governing order which they cannot willingly affirm and see as their common creation, thus directly undermining their "maker freedom" (Stilz, 2015). This is itself then emerges as a violation of constitutive self-determination, calling into question whether such actions by the metropolitan state ultimately should be seen as promoting or subverting NSGT self-determination.

NSGT representatives have also called attention to a more recent COI conducted on the BVI in 2021, resulting in a 2022 report recommending a similar, partial suspension of the territory constitution and the imposition of direct rule from the metropole to combat governance issues (Hickinbottom, 2022). In 2023, Premier of the BVI Natalio

Sowande Wheatley addressed the C24, stating that in regards to direct rule, "the United Kingdom had, rightly, decided against that course of action", however "the Order in Council held in reserve by the United Kingdom, through which it could impose direct rule over the islands at its discretion, continued to loom ominously" (C24 annual session 2023, 4th meeting). He further pointed out that the "ultimate aim" of the proposed COI reforms was "to deliver changes that were in the best interests of the people, who believed deeply in democracy" and that "his administration therefore opposed any power grab by the Governor and the United Kingdom aimed at making constitutional changes to claim additional powers and take away those of the elected Government of the Territory." This points to a contradictory position on the metropolitan side, where it is suggested that powers are transferred from elected to unelected officials *in defence of* democracy and self-determination.

In 2022, BVI representative Benito Wheatley addressed the C24 and strongly opposed the Order in Council authorising the metropole to impose direct rule, stating that "this position is not only that of the political directorate, it is also the sentiment of the majority of the population who cherish democracy," describing demonstrations and protests which had taken place in the territory. In 2024, the Order in Council was still in place, and Benito Wheatley again addressed the C24. Here, he questioned the use of the term "modern partnership" to describe UK-OT contemporary relationships, arguing:

> You cannot have a modern partnership and a colonial relationship at the same time. In a modern partnership, you do not use the threat of removing democracy from a people as a tool of leverage over them. […] In a modern partnership, you do not close off free association as a political status option without dialogue between partners on its viability. (Benito Wheatley, C24 annual session 2024, 3rd meeting)

Wheatley noted that "the joint declaration agreed between the UK and Overseas Territories was a positive step in trying to reframe the relationship, but much, much more must be done to establish a modern

partnership."[64] This suggests that while there has been progress made in terms of developing UK-OT relations, significant obstacles to constitutive self-determination still persist in the OTs' lack of power to uphold their governing arrangements, as well as in the rejection of the free association option from the metropolitan side.

4.2. "Best of both worlds"?

The accounts by island NSGT representatives and petitioners reveal that contemporary relationships remain contested and that widely opposing ideas about what they represent have been articulated in international forums. This is particularly true for the territories affiliated with France, where there are clear political divides between independentists and autonomists, and where numerous petitioners have typically attended committee meetings. Seeing as the political divides are so prominent in these territories, with the main political parties representing either the pro-autonomy or pro-independence sides, it is perhaps not surprising that representatives from French Polynesia and New Caledonia have tended to strongly emphasise *either* the positive aspects and outcomes of their metropolitan relationships *or* conversely their negative aspects. Meanwhile, representatives from UK- and US-affiliated territories have tended to highlight both to varying degrees (e.g. as Guam representative Melvin Won-Pat Borja stated during the C24 2019 regional seminar: "In fact, many indigenous and native inhabitants on Guam have a strong sense of patriotism and loyalty to the U.S. [...]. No amount of patriotism, however, should warrant a blind eye to the inequity of our current unincorporated territory status").

Using a framework based on ongoing and constitutive self-determination, this chapter has highlighted complexities in relation to each within current NSGT-metropole relationships. Regarding the ongoing aspect, the outcomes of affiliation in terms of material well-being and development have been described as positive and substantial by many speakers, corroborating arguments about the relative advantages of non-independence for the free pursuit of development

[64] Referring to the 2023 declaration published by the FCDO, see Chapter 2.

(Rezvan, 2014; 2016). American Samoan representatives have often portrayed their US relationship as a beneficial union, and French Polynesian autonomists have similarly described their relationship with France as a crucial partnership for development.

However, there is also a competing discourse which conversely portrays relationships as harmful even in these respects, given metropolitan domination and lack of consideration for NSGT peoples' interests and priorities. This portrayal is more surprising seeing as the downsides of non-independence have typically been viewed as pertaining less to material outcomes and more to emotional and ideological objections (Veenendaal and Oostindie, 2018). It does, however, illustrate the importance of self-determination and how it relates to the interests of groups to retain control over their physical environments (Moore, 2015). Further, addresses that described affiliation as harmful even in terms of material outcomes (e.g. limiting development opportunities; destruction of lands; usurpation of resources) would often connect such outcomes to a lack of *self-government*, illustrating how perceived violations pertaining to one element of self-determination could be directly traced to violations of another. A lack of self-government and a consequent lack of control/influence over development processes, land and resources was further linked to treats to the *cultural integrity* element (e.g. in the case of the French Polynesian education system, the destruction of sacred sites in Guam, or OT representatives describing how a group of "white and male" individuals "an ocean away" would make decisions for the territories). This suggests that "heart" objections to affiliation (Veenendaal and Oostindie, 2018) can be explained with reference to several related elements of ongoing self-determination being violated, ultimately leading to perceived threats to cultural survival.

If 1) diverging understandings exist between NSGT- and metropolitan populations as to what constitutes desirable development (Androus and Greymorning, 2016), and 2) the NSGT people lack opportunities for maintaining autonomous institutions and/or meaningfully participating in decision-making (self-government), the material outcomes of metropolitan actions will be experienced as negative, even if statistical

studies might identify them as exemplifying the "superior" performance of non-independent entities (McElroy and Pearce, 2006; McElroy and Parry, 2012). Numerous Guamanian representatives and petitioners who have raised concerns over the military build-up on the island; BOT representatives reporting fears of negative economic effects of metropolitan legislation, and; French Polynesian independentists pointing to economic exploitation, segregation and the lingering effects of nuclear testing all constitute examples of framings of the metropolitan relationship as materially harmful.

In many of these addresses, the colonised group's capacity to autonomously make and act on decisions was described as impeded rather than supported by the metropolitan link, suggesting that self-determination as functional autonomy (Nine, 2022) is not realised in these cases. The analysis thus goes some way to address the question of why, given the statistically superior performance of non-independent island territories and predominant ideas of continued affiliation leading to a "best of both worlds", there is still such a high degree of dissatisfaction with these arrangements among the peoples who live under them (Ferdinand et al, 2020).

When it comes to constitutive self-determination, the committee addresses give rise to some scepticism regarding the concept of "islandian sovereignty" (Prinsen and Blaise, 2017). Some examples did closely reflect what Prinsen and Blaise describe, e.g. in 2024 New Caledonian representative Claude Gambey described how the territory "was already involved in a diplomatic and cooperative role that placed it on the verge of exercising sovereignty" in redefining its relationship with France. In others, however, shortcomings were identified both in regards to the modification (the powers of Governors in OTs not being subject to negotiation; the US metropole rejecting suggestions from Guam and the USVI regarding constitutional changes; both the US and UK rejecting the free association option) and upholding (constitutional suspensions in OTs) of the governing institutional order. Further, decolonisation processes were described as impeded due to conflicts regarding who makes up a self-determining "people," most evidently manifested in the *Davis v. Guam* case but also in controversies over the

frozen electorate in New Caledonia, and in recommendations for the UK government to abolish local statuses (belongership) in the OTs.

Based on the range of sentiments expressed in addresses to the UN committees, it can be argued that while some version of non-independence could possibly constitute a "best of both worlds," many of the arrangements currently in place are not perceived as achieving this. Rather, many are characterised as undermining ongoing and/or constitutive self-determination, and in some cases as outright oppressive and colonial given the powers of metropolitan governments to legislate for the territories without their input or consent. Although NSGT peoples are expected to choose a permanent political status at some point in the future, this should arguably not mean that it is legitimate for the arrangements currently in place to exclude these populations from relevant decision-making processes, limit their opportunities for demanding accountability, or limit their abilities to meaningfully influence the governing orders under which they live (the latter becomes particularly important if opportunities for pursuing a different political status are impeded in practice).

It may be true that independence is not the most preferable option for many remaining NSGTs, given their small sizes and the relative advantages of affiliation to which statistical studies, as well as many of the addresses considered here, have pointed. A fixation with it as the only path to realising self-determination risks obscuring, and hampering the exploration of, potential alternatives. Still, the statements made to the UN committees demonstrate the importance of addressing present problems so as to avoid domination and promote ongoing and constitutive self-determination for the peoples of the NSGTs, regardless of whether they may opt for independence or continued affiliation in the future.

Chapter 5: Understandings of self-determination and paths to decolonisation in Overseas Territories

The post-WWII global decolonisation process slowed down greatly after the 1970s and now appears to have completely stalled. This leaves the remaining NSGTs - the "sediments of formal colonialism" (Turner, 2013: 1197) - in a seeming impasse where the sovereign state model that came to be widely regarded as the "natural and only acceptable outcome" (Veenendaal and Oostindie, 2018: 26) may be undesirable, but where the decolonisation process is still considered unfinished. How is self-determination and its requirements understood in such contexts? This chapter, based on fieldwork conducted in the British Overseas Territories (BOTs) and NSGTs the British Virgin Islands (BVI) and Anguilla, seeks to address this question, specifically with reference to local ideas of what self-determination in its constitutive and ongoing aspects should entail and require. Subsequent chapters will delve further into how and to what extent various aspects of these metropolitan relationships (BVI-UK and Anguilla-UK) in their current forms are perceived as consistent or inconsistent with (ideas of) constitutive and ongoing self-determination.

A main empirical finding of this chapter is that the concept of self-determination is still strongly linked to - even often directly equated with - full independence in local debates and discourses in both territories. I theorise that the tendency to equate self-determination strictly with a transfer to sovereign statehood, even for the very smallest territories, is partly attributed to the longstanding idea of this as the "normal" (Hannum, 1990) or "ordinary" (Bonilla, 2013) outcome of decolonisation, outlined in Chapters 1 and 2. However, the interview responses indicate that it may also be attributed to the position of the

metropolitan state, as several interviewees described the UK's stance as being characterised by an understanding of the OTs' options as either independence or (largely) status quo. This, then, leaves little room for reworking the metropolitan relationship so as to pursue self-determination without a transfer to independence.

While interviewees described local debates as generally characterised by understandings of self-determination as full independence, many also viewed such understandings as limited and expressed alternative ideas. Recognising smallness as well as interdependencies, some further questioned whether independent statehood would in fact bring about self-determination in a contemporary globalised context.

5.1. Self-determination as independence: a persisting idea

A somewhat surprising observation (given the small sizes of both territories) emerging from the field data is that self-determination still tends to be treated as largely synonymous with independent statehood in local discourses. In both the BVI and Anguilla, interviewees pointed to a general tendency among the populace to interpret the concept as meaning strictly independence. This may be reflective of the longstanding propensity within international and academic communities to understand full independence as an "unavoidable, evolutionary route" (Baldacchino, 2010: 47). It may also be reflective of the past metropolitan "bias for independence" (Hintjens and Hodge, 2012), i.e. the assumption in Whitehall and Westminster up until the late 1990s that OTs were soon to become independent. The interview data suggests that a form of "bias for independence" is similarly present and influencing local debates in the OTs, a consequence of which being that discussions on what self-determination could mean and how it may be realised are often stifled due to people either not wanting to talk about self-determination as *anything but independence*, or not wanting to talk about it at all due to *a fear of independence* (in both cases, the concepts of self-determination and independence are being equated).

In the literature on smaller island territories, it has been suggested that there is typically "little or no impetus towards acquiring independence"

today (Clegg, 2012: 436). Still, the interview data shows that the notion of full independence dominates local discussions on self-determination to a high degree, regardless of the likelihood of it being achieved. A general lack of awareness regarding the concept of self-determination, and a need for education, was raised as a critical point by several interviewees, exemplified in the below quotations from a BVI activist (Interviewee 1) and a BVI academic (Interviewee 12):

> Most persons here are not well educated or well versed in the concept of self-determination. They usually just think self-determination means independence. (Interviewee 1)

> From what I've seen, in liaison with the public and meetings and so on, people are not sure what it is. They're not comfortable with the word, and we say- and we realize that we are lacking education, just a common knowledge of what this whole process entails and what it's about. So, if you go and ask a general person, they're going to have a very difficult time explaining to you what that means. (Interviewee 12)

Although Interviewee 1, quoted above, described their own stance regarding political status as "pro-independence," they defined the *concept* of self-determination more broadly as "your individual right to choose your own future and to determine your own destiny" and stated that, in theory, "there is the possibility that the Virgin Islands can be self-determining being a part of the United Kingdom". Given that the interviewee did not view the UK as being presently or historically "interested in the Virgin Islands being self-determining," however, they considered that possibility as far-fetched in reality. In other words, while the perceived attitude of the metropolitan state had led the interviewee to take a pro-independence position, they understood self-determination as being theoretically achievable even within a metropolitan relationship (although they emphasised that this would require "real revolutionary changes" in the United Kingdom itself).

However, the general public's idea of the meaning of the concept was still described as "independence," consistent with what many other interviewees stated when asked about local discussions. For the BVI, this observation was also corroborated in a Constitutional Review

report published in 2023, where the need for greater education on the topic of self-determination was highlighted as the fifth highest recurring theme during the consultative meetings and discussions held in preparation of the report (Penn-Lettsome, 2023: 99). Discussions on self-determination during these sessions were described as follows:

> The topic was passionately discussed in some audiences. However, equally passionate members of the public made it abundantly clear that no promotion of the UN and self-determination was to be further discussed at that particular gathering! That occurrence is cited to show that people either do not want to talk about self-determination because they (incorrectly) equate it with secession, or people do want to talk about it because they (incorrectly) equate it with secession. (Penn-Lettsome, 2023: 99)

The tendency to equate self-determination with independence was also evident in the media material. In a 2022 *BVI News* article, legislator Myron Walwyn spoke about debates on self-determination in the BVI, pointing out that self-determination "does not mean independence. It is not a synonym for independence and the persons who use [the term] self-determination use it to mean independence" (BVI News, 2022a). This was similarly a theme for Anguilla, where the exchange with a journalist below illustrates the tendency to connect the concepts of self-determination and independence to each other:

> Interviewer: When people here talk about self-determination, how does that conversation typically look? What do they tend to associate with self-determination?
>
> Interviewee: Self-determination, when you hear from persons in Anguilla, there's a general view in Anguilla that we need to get there. The difficulty is how to get there. […]. So, for most persons in Anguilla, the whole concept of self-determination has to do with security, seeking security, a lot more of that, and a lot of uncertainty in that regard. But more and more persons are coming on board, and you know, the relations are there right now. But it's a very divisive issue within our society, because there are those who are all for it, like myself, and there's a significant portion of the population that is dead scared of it as well because of the unknowns.

> Interviewer: Are you talking about independence specifically?
>
> Interviewee: Independence, yes. Independence, yes. That's what they're fearful of. (Interviewee 5)

Here, fears of independence are described as making the topic of self-determination particularly divisive. From the excerpt above, it can also be noted that the interviewee, when asked about local discussions on self-determination, interpreted this question as being about discussions on independence, illustrating how the two concepts tend to be closely linked.

Scepticism against, and fears of, full independence was a theme in the media material as well as interviews. In a 2024 article, BVI talk show host Cromwell Smith stated: "I have sensed that we don't want to be independent. We want some sort of self-governance but you know when you talk about independence some red flags go up in all our minds and we afraid" (VINO, 2024). HoA member Vincent Wheatley similarly described in 2022: "Everybody's afraid of self-determination, they're afraid of independence, all sort of things. But these things are what's called for to move this country forward." (BVI News, 2022b). When asked about how discussions on self-determination usually would look in Anguilla, a House of Assembly (HoA) member described:

> Well, the buzz word would really be independence. So, you're not going to hear much people outside of an academic setting talking about self-determination, right? But they're going to say independence for sure. And really, there are a lot of people in this country who firmly believe that independence is the way to go. They firmly believe that even though they know it will cause some difficulties for us financially and otherwise, they think that we should weather the storm and break away free so that we can really determine and dictate what our future is like and is going to be like, right? […] And then there are other people who are on the other extreme and they're like, 'no, we're not ready for it, we don't have the institutions in place in the event that something goes wrong, in terms of natural disasters, medical emergencies, we still have the protection of the UK government.' (Interviewee 7)

Here, debates are described as being centred strictly on independence. The ability to "really determine and dictate" Anguilla's future is further linked to a transfer to independence, whereas security and protection constitute arguments for retaining ties with the UK. This suggests that the present situation is understood as a trade-off between these values rather than one that entails opportunities for freely developing *with* the support of the metropole, reflecting what Veenendaal and Oostindie (2018) term a "head versus heart" dilemma.

Using Anaya's framework, the "head versus heart" dilemma as well as the view that it is necessary to "break away free" in order to be able to determine Anguilla's future, described in the above quotation as being held by "a lot of people," could be understood with reference to a present denial of ongoing self-determination. Ongoing self-determination is broadly thought to require "a governing institutional order in which people may live and develop freely," (Anaya, 1996: 84), where political institutions "reflect their specific cultural patterns" and "permit them to be genuinely associated with all decisions affecting them on a continuous basis" (ibid: 112). If the present governing order is not experienced as such, yet retained due to fears that altering it would give rise to severe challenges, it may not be experienced as a "best of both worlds" as has been suggested (Baldacchino, 2006a), but rather as the only realistic option (if metropolitan affiliation is viewed as a binary *either/or*). In other words, violations of self-determination may occur, but if the alternative of "breaking away free" is believed to jeopardise the very survival of the polity, the status quo persists.

In determining whether there is a violation of ongoing self-determination in a specific case, Anaya (1993: 163) suggests that stories pertaining to "discrimination, suppression of democratic participation, and cultural suffocation" in day-to-day life should be considered. In the interview data, such stories were identified in connection to metropolitan affiliation for both Anguilla and the BVI (this is further discussed in Chapters 6 and 7, and kept rather brief for now). An Anguillian HoA member relatedly described local debates on political status, and particularly arguments for full independence, as being fuelled by frustration with metropolitan decision-making and -powers:

> A lot of our populace resorts to independence through anger or frustration with the system. So, they're just tired of the UK deciding that this and that should be the reality and 'we deserve an opportunity to, you know, forge our own way and we're angry with this singular decision, so let's become independent.' I personally - this is my personal point of view - that's not how you become independent. It should be an organized approach that's supported through decision-making. (Interviewee 4)

Here, the general idea described is that the opportunity to "forge our own way" requires independence, as presently the metropole is perceived as "deciding that this and that should be the reality." Experiences of violations of ongoing self-determination thus give rise to arguments that the UK link needs to be severed and a new governing order established. This was reflective of how a BVI lawyer succinctly described local discussions: "All you hear is 'we want to get rid of the UK'" (Interviewee 16). A BVI political candidate similarly described them as "'Oh, we need to get away from the UK' - and that's generally what people will say" (Interviewee 27). Important to note here is that many interviewees in both the BVI and Anguilla, when asked whether they identified as British,[65] strongly opposed the idea of OT peoples being "British" and instead emphasised a Caribbean, or "Americanised" (mainly in the BVI) identity. This arguably reinforces the perception of British interference as external and "alien".

As independence claims become the immediate response to perceived injustices, discussions on what rights and responsibilities should apply within the metropolitan relationship as it relates to self-determination become less vigorous. In light of this, some interviewees pointed to the need to discuss alternative ways of promoting self-determination, e.g. a Constitutional Review Commission (CRC) member in the BVI stated: "We have to come up with another model other than necessarily independence"; "We need to be more mature and sit down and work out

[65] E.g. since 2002 British citizenship has been extended to all OTs, and particularly post-Brexit the narrative of *Global Britain*, where people in the OTs are described as seeing "themselves as members of a global British family" (FAC, 2019a: 6), has been pushed by the British Conservative government in relation to UK foreign policy (Haugevik and Svendsen, 2023)

a modern relationship – not just reject everything British as colonial and bad" (Interviewee 3). One reason as to why claims to independence tend to be the go-to response however, may be the metropole's own position on the BOTs. The UK government has consistently reiterated that independence will be granted to any OT whose people would choose it, but it has also been criticised for being far less open to promoting self-determination in other ways (Corbin, 2009b).

5.1.1. "'We're not keeping you'" – constitutive self-determination and the right to exit

The previous section established that self-determination tends to be strongly equated with independence in both Anguilla and the BVI. It further suggested that experiences of violations of ongoing self-determination (e.g. metropolitan domination in decision-making processes) give rise to frustrations that exacerbate a sense of needing to separate from the UK. If the present governing institutional order does not allow for self-determination in its ongoing aspect to be exercised, it follows that it needs to be changed somehow. This, then, actualises the need for constitutive self-determination.

For NSGTs, it could be argued that constitutive self-determination is already fulfilled, given the internationally recognised right to opt for a permanent political status, including independence. Legally, all NSGT peoples have a legal right to exit their metropolitan relationships (although, as noted in Chapter 4, this may be impeded in practice if disagreements exist as to who makes up the self-determining "people"). As noted in Chapter 2, the British metropole has consistently affirmed the right for OT peoples to pursue independence, or to "remain British" (FCO, 1999: 4). As Anaya has noted:

> [A] frequent tendency has been to understand self-determination as wedded to attributes of statehood, with "full" self-determination deemed to be in the attainment of independent statehood, or at least in the right to choose independent statehood. (Anaya, 2009: 182)

While much of the interview data from both the BVI and Anguilla suggests that the peoples of the OTs experience violations of ongoing self-determination under their present governing arrangements

(discussed in the following chapters), a relevant issue to consider is the extent to which these peoples may alter or reject said arrangements. If OT peoples may opt for separation at any time without the metropolitan state objecting, are they not already self-determining in having "the right to choose independent statehood" as described in the quotation above? If full self-determination indeed lies in the *right to choose*, that would mean that the peoples of both the BVI and Anguilla are in fact self-determining – they simply have not acted on this right. Or, as has been suggested by the FCO (2012), they could perhaps be considered as *choosing to retain* the status quo by not taking the step to transition to another political status. Would that, then, not be an act of constitutive self-determination in itself?

One interviewee did indeed express that UN decolonisation rhetoric was being sent around in a "in a misleading way" by influential persons in the BVI, and argued that this should only be relevant in cases where peoples were being denied self-determination *against their will* (Interviewee 3). Since the UK government has explicitly affirmed that in a situation where it is "the clear and constitutionally expressed wish of the people [of an OT] to pursue independence", it will meet its obligations to help the OT in question achieve it (FCO, 2012: 15), the interviewee held that OT peoples could not be viewed as being denied self-determination against their will. If they wished to leave the present arrangement, they would certainly have the right to do so.

If one looks to arguments presented to UN decolonisation committees, it is true that NSGT representatives have occasionally challenged the notion that present arrangements are "colonial" and that their peoples are being denied self-determination, which is consistent with the reasoning outlined above. For instance, at a 2001 seminar organised by the C24, American Samoan Governor Tauese P.F. Sunia and delegate to the United States Congress Eni Faleomavaega both rejected the labelling of their territory as a colony, stating that American Samoa was an integral part of the United States and that the rights of its people had never been suppressed. In 2002, the UNGA received an official request from the American Samoan people for the territory to be de-listed "because they had no intention of achieving independence"

(Rothermund, 2006: 44). In later years, however, American Samoan representatives have withdrawn this request, recognising that "our current legal status […] leaves us exposed to vagaries in Washington D.C. that are beyond our control" (Savali Talavou Ale, C24 regional seminar, 2014) and that "until such time that our people have exercised our right to determine for ourselves our future political status, it is perhaps best that American Samoa remain on the UN Decolonisation list" (Talauega Eleasalo V. Ale, C24 regional seminar, 2015).

The idea that contemporary relationships should be seen as voluntary given how the peoples of the remaining NSGTs have not acted on their right to pursue a different political status has, however, been criticised as a "colonial contentment argument" (Corbin, 2009a; 2009b). This "strategy of colonial accommodation" is exemplified by a British representative to the UN Fourth Committee in 1998 arguing that "in no cases have territories remained British through coercion or repression" (Corbin, 2009b: 86). Regarding BOTs, Corbin (2009b: 93) holds that the "unilateral authority exercised by the administering power could result in an unintended/intended effect of nudging these territories into independence, especially since the British have removed the options of free association and integration from the negotiating table." Related to this, he questions the extent to which self-determination may be pursued with the available options being "limited to either independence, or continued and enhanced dependency status" (ibid: 86).

This point relates to the British metropole's stance pertaining to constitutional reform, where it has been open to granting its OTs independence should it be the expressed wish of the people, but where it has simultaneously rejected the option of, for example, developing models of free association. While it could be argued that the peoples of the OTs are not being coerced or denied self-determination "against their will" given the right to exit being present, several interviewees expressed different views on the pursuit of self-determination. A theme across interview data from both the BVI and Anguilla was the tendency to highlight how the metropole had indeed been open to granting the OTs independence, but how it had simultaneously "closed the door" when it came to assisting them in achieving self-determination in other

ways, such as developing new forms of affiliation. When asked whether they believed that self-determination would be possible within a continued UK relationship, an Anguillian former CRC member stated:

> No, the British have rejected it. We would welcome that. There are many of us who think that there is benefit, there is advantage for maintaining a link with the United Kingdom government. But the UK has said 'Hold on, no, no, no, no, no. Either you accept that you're a colony and we are in complete charge and control of your business. We give you the right to internal self-government to a certain extent, but the constitution says we can take it away at any moment. So, you can either take that arrangement or you go fully independent. We will not permit another status of association, another associated state.' (Interviewee 6)

The same interviewee further pointed to the case of Bermuda's 1968 "pre-independence" constitution as an explanation for this stance,[66] describing that this means that the Bermudian government now "can do things which are contrary to Britain's international obligations and Britain must accept it. They cannot control it" - a situation that the metropolitan state "will never allow" again. This understanding is consistent with how Peter Clegg, Professor in Politics, has described the UK Government's view of constitutional reform. Clegg suggests that this has been influenced by a legacy of "difficulties in managing associated statehood in the Caribbean", such as Grenada in the 1960s and -70s, which has in turn made the path to greater self-government for the remaining OTs "slow and modest" (Clegg, 2023: 1). In a 2003 memorandum to the Foreign Affairs Committee (FAC), then Foreign Office Minister Bill Rammell argued that the idea of free association did "not sit easily with the [UK's] over-riding responsibility to ensure the good governance of the territories and compliance with applicable international obligations" (Rammell, 2003, quoted in Clegg, 2023), which is an argument that still applies today. In a statement by the FCO during a 2008 C24 regional seminar, the UK position was explained:

[66] Bermuda is still listed as an NSGT and its relationship with the UK is not one of free association per se, however it is the OT with the greatest degree of internal self-government.

> … the concept of free association […] would mean that the territory itself would draw up its Constitution free from United Kingdom involvement. The United Kingdom would retain all responsibility for the Territory, but would not be able to ensure that it had the powers necessary to meet its responsibilities for the Territories. This is not a position the United Kingdom is willing to put itself in. (FCO, 2008: 5)

This has remained the metropolitan position, although a 2023 report argued that discussions as to whether free association might be possible in some cases should be undertaken (Clegg et al, 2023).

In the BVI, similar ideas about the metropole's stance were expressed. Regarding the free association option, some interviewees explicitly stated that they would be in favour of such an arrangement (e.g. interviewees 8; 9; 10), either with the UK or with some other larger state if possible, but also recognised that the metropole had rejected this route. Illustrating this, a BVI lawyer described:

> I have never been one to support political independence in the form of us as a population of 30,000 people going on our own, absolutely. Now, there are a lot of people who have a different view, who say that it doesn't matter what our size is, that we should be free to make our own choices and decisions. I look at examples from the Cook Islands and other small countries that have gone independent, and they have an associate state relationship with some bigger country. Free association. The UK has made it clear that they're not prepared to go down that road. […] I have no idea what the rationale is behind that, but that is their position. Whether or not it is something that can be open to renegotiation with a new government, that's something for the future. But as for right now, the UK government's position is that door is closed. (Interviewee 8)

When asked whether they believed that self-determination was possible within a continued UK relationship, a BVI political candidate similarly expressed that "the UK has made it clear that the next step for us has to be independence" and that "there is never going to be an associated status such as St Kitts and Dominica, Saint Lucia and so on" (Interviewee 11). Having participated in past processes of constitutional review, the same interviewee described that "you can negotiate for a

greater degree of autonomy. But in terms of free association and so on, I don't think that those things are on the cards."

The question of constitutional negotiations will be further discussed in Chapter 8. For now, we can observe based on the above that the prevalence of the idea of independence as the only route to self-determination can be, at least in part, traced to the metropole's position ("the UK has made it clear…"). If the people of the BVI should wish to take the "next step" towards self-determination, that would then have to consist in a transfer to independence. The "bias for independence" (Hintjens and Hodge, 2012) that characterises OT-level debates on self-determination can thus be linked to the "longstanding United Kingdom position that any real devolution of power would be granted only within the context of a timetable for independence" (Corbin, 2009b: 94).

The view of self-determination as "independence or nothing," emanating from the metropolitan stance or from the view within wider, international communities of independence as "unavoidable" (Baldacchino, 2010), or both, has created a situation where the opportunities for critically discussing and challenging the current arrangements are limited. An Anguillian academic described difficulties related to discussions on self-determination as follows:

> Self-determination for me means that a people, no matter how small the country is, has the right to determine its leadership and the way it is governed. Unfortunately for us, colonialism has dictated a different path and that process has led to a blurring of what self-determination really means, and also the ignorance, or the dearth of awareness or education, along the process has caused fear in most of the peoples of the non-self-governing territories. […] So, there's this fear that- there's a blur like, okay, self-determination is the 'either-or' stance that the British has taken in terms of the whole decolonisation process. [...] It's like: 'We're not keeping you, you can take it or leave it.' And so, what happens is a tiny island like Anguilla, or most of the other British Overseas Territories, would be like: 'Okay, well, we can't do this on our own, we can't survive, we need that.' And so, you're therefore then subjected to all the trappings of colonialism that continue into this era. (Interviewee 2)

This reasoning raises the question of whether it is really sufficient, in relation to the advancement of self-determination, for an administering power to affirm that its affiliated NSGTs are free to separate with the metropole's assistance. For the peoples of smaller, colonial territories in particular, is it enough to be granted the right to completely end their metropolitan affiliation? For most of the remaining NSGTs, a transition to independent statehood would mean emergence as one of the world's very smallest microstates in terms of land area and population size. As the above quotation indicates, in places such as Anguilla this has given rise to fears and doubt regarding territories' abilities to sustain themselves ("we can't survive, we need that [metropolitan affiliation]"). Formally, there is indeed a right and a possibility to sever ties without the metropole objecting, but if in practice this is considered unfeasible, is it really sufficient for constitutive self-determination?

The Anguillian interviewee quoted above described the British stance on affiliation with the OTs as a binary "either-or", or "take it or leave it", meaning that the OTs could either accept and retain their present arrangements, or they could leave them altogether. Such an understanding leaves little room for consideration as to how self-determination may be pursued outside of the "ordinary path" (Bonilla, 2013) of independent statehood, or for challenging aspects of present relationships which are not thought to be consistent with it. Relatedly, the same interviewee connected the British stance and its "blurring of self-determination" to the aforementioned tendency to equate the two concepts of self-determination and independence, stating that "in most of the territories […] if I say self-determination, I'm instantly interpreting that to mean independence" (Interviewee 2). Further, they described the implications of such understandings for how the OTs would be considered by the international community:

> I think the problem is- and it goes to show where we are in the world, because it's like 'business as usual.' Is it okay when you come down to accept 'Oh, you have a British Overseas Territory' - you have a colony, you are taking away the rights of people to govern themselves. And that is acceptable. You don't hear anything in the United Nations about that as it should anymore. And I think the rest

> of the world, nobody pays attention to it anymore. And they assume you're in that relationship because you want to be. (Interviewee 2)

Considering the fact that the British metropole has affirmed the rights of all OT peoples to independence, one might assume that maintaining the status quo is a voluntary act. The idea that "you're in that relationship because you want to be" is indeed reflected in much of the previous literature on metropolitan affiliation. For example, Baldacchino (2010: 188) concludes that "from a crude cost-benefit analysis, SNIJ residents appear regularly to prefer their obvious socio-economic advantages and tend to ignore or discount the less tangible losses," and suggests that the fact that "major constitutional change" has rarely occurred indicates that island voters are generally satisfied. However, if transferring to independent statehood is the only way of achieving major constitutional change, a small territory in particular might find itself in an impasse where a choice is formally available but not attainable in practice. The fact that the territory people is legally free to sever ties also risks being used to legitimise and normalise the status quo, as opposed to encouraging continuous, critical questioning of contemporary relationships.

Normalisation of the status quo is indeed touched upon in the above quotation, where the present OT status is described as having become "business as usual," "acceptable", and rarely discussed today. The sense that "nobody pays attention to [decolonisation] anymore" is echoed in Turner (2013: 1197) describing how "[f]inancial crises, energy security, international terrorism and climate change are among the issues which ensure that colonialism and decolonisation are now rarely prioritised by governments or organisations – even by the United Nations". During the height of post-WWII decolonisation, a much greater proportion of the world's population was under colonial rule and the forceful anti-colonial rhetoric of the UN at the time was thus understandably "rooted in firmer and more persuasive quantitative logic" (ibid) than what is the case today. A risk of decolonisation becoming deprioritised however, coupled with current arrangements being legitimised, is that insufficient attention is paid to how these arrangements impact on, or even still violate, the self-determination of NSGT peoples.

In sum, this Chapter has made four main observations so far. First, while it has been suggested that there is little actual drive towards independence in the remaining NSGTs (Clegg, 2012: 436), the *idea* of independence still tends to permeate local debates on self-determination in both the BVI and Anguilla, where fears and scepticism against independence in turn have stifling effects. Second, arguments for independence are often fuelled by frustrations which can be traced to continuing violations of self-determination in its ongoing aspect (elaborated on in Chapters 6 and 7). Third, the metropolitan binary position, possibly coupled with the international norm of sovereign statehood, contributes to the view of full independence as the only available route for constitutive self-determination. Fourth, this has implications for how OTs and their metropolitan relationships are perceived internationally, where the construction of them as "voluntary" risks legitimising arrangements that may violate constitutive *and* ongoing self-determination (discussed further in Chapters 6, 7 and 8). Based on this, the promise of independence, while it should remain, cannot alone be considered as sufficient for realising constitutive self-determination.

5.2. How independent is independence?

When discussing political status options, several interviewees brought up the question of whether nominally independent states are in fact "independent" in a globalised, interdependent context. A BVI political candidate, for example, challenged the pervasive discourse of the BVI "needing independence" by arguing that ties to the metropole or some other larger power would be "impossible to sever" in reality. They described that "when I look at the Caribbean and I look at countries like Dominica, they are still being heavily supported by a major country, Dominica for example is supported by China in everything they do. […] You're not going to be able to sustain that without the help of some larger country" (Interviewee 27). While this observation was used in a different way by one interviewee - an Anguillian former CRC member who stated that independence would in fact benefit the territory

precisely *because* the people would then be able to choose which larger states they would develop dependency relations with, as opposed to being tied to the British (Interviewee 28) - many used it to express scepticism against the very concept of "full" independence.

Reflecting Scott's (2012) and Getachew's (2019) observations about how the idea of the fully sovereign and self-sufficient state has come to be increasingly challenged against the backdrop of growing international legal, economic and political interdependencies, an Anguillian HoA member described:

> Someone in a dependent territory can look at self-determination as independence. And in the same way, from my point of view, I still think that self-determination is independent of the concept of independence, as I feel that in territories like these, we should have the autonomy to forge our way forward and have a certain level of independence in how we develop our country and still have dependence. And then also, when you look at it from an independent country's point of view, I do question whether or not they do have self-determination power because many of the independent countries are still dependent on support from development agencies such as the IMF, the World Bank, who play a critical role in their policy development. So personally, I think that it's an elusive concept and I don't know if it really exists at this point when globalisation plays such a role on how policies are shaped and how deviation from those global policies can result in sanctions and being shunned politically on a global scale. So, I think if you try to find a middle ground somewhere in there, self-determination is really the ability to set policies that are aligned with the supporting structures, cultural recognitions, and economic frameworks of the countries that those decisions are made. (Interviewee 4)

While the pervasiveness of the idea of self-determination as independent statehood was a theme across the interview data, the above quotation challenges whether this route would really bring about "true" independence in a globalised context. Dependence on international development agencies is highlighted, as are pressures to not deviate from certain global policies, both of which constrain the scope of actions that states may take. The latter can be considered in light of what

Fidler (2000) has described as a prerequisite for the opportunity to engage fully in international relations, namely behaving in ways that "conform to expectations, policies and rules established by the prevailing powers" (Fidler, 2000; 389, quoted in Scott, 2012: 222). Recognising this, the interviewee quoted above questioned whether independence "really exists," and whether nominally independent states can be said to be self-determining given these conditions. What is suggested then, instead of a transfer to sovereign statehood, is a delinking of the concept of self-determination from independence, and in practice a "middle ground" where the people may make decisions and set policies for development in accordance with their preferences while maintaining some form of "dependence."

This understanding underscores the relevance of Nine's (2022) concept of self-determination as functional autonomy. Here, it is emphasised that intergroup dependency in itself does not automatically impede self-determination, but that it is the nature of the dependency relation that matters. In Nine's model, it is crucial that a group can identify with the procedures by which they come to make decisions or actions, and that they are able to act based on their own beliefs, desires and values and "use dependency to design courses of action" (Nine, 2022: 191-192). If so, dependence on external support or -relations could enhance, rather than diminish, the capacity of said group to freely pursue its economic, social and cultural development, i.e. ongoing self-determination.

Interviewee 4, quoted above, further stated that they believed that Anguilla could possibly have self-determination while maintaining a relationship with the UK, but that the relationship would have to be "modernised" for this to be achievable. Ideas about this generally varied between interviewees in both the BVI and Anguilla, with some believing that it would be possible to pursue self-determination within frameworks for continued UK affiliation whereas others described relationships as being "too damaged." Even those who described self-determination as being possible to pursue while retaining links, however, typically highlighted the need for making significant changes to the present arrangements as a prerequisite, with some expressing doubt that the metropole would agree to such changes.

Another Anguillian HoA member, while describing independence as an "ultimate desire," similarly pointed to interdependencies between nominally independent states. Relatedly, they expressed scepticism as to whether full independence would in fact be possible:

> We ultimately do want to move to full independence, but the sad reality of it is, looking at the independent nations around, they are all somewhat tied to somewhere else. You know, whether it be Taiwan, China, Syria, Russia. So, the question will always be, would you be ever fully independent? So, to me, once we can get to a stage where we can… not really necessarily paddle our own canoe, but in a position to really navigate most of our affairs with some help. I don't think we will ever, ever be able to do it on our own. We are too small. (Interviewee 14)

When asked why independence was still considered an ultimate desire, the same interviewee highlighted "pride and self-autonomy" and the ability to engage in trade negotiations with other territories. Comparing Anguilla to independent island states, they expressed that Antigua and St Kitts "have a sense of pride as Antiguan and Kittitians that they are fully free, so to speak," whereas Anguillians "still play the British anthem, even though we have our national song, there's still a realisation that we are still an Overseas Territory of Britain." This relates to the self-determination element of *cultural integrity*, entailing that peoples should be free to maintain and develop their own cultural identities (Anaya, 1996). Independent statehood was described by the interviewee as ultimately desirable because it is thought to lead to a sense of being "free" as a distinct people. An ideal model would thus be one that would allow OTs peoples freedom in regards to their own development and cultural identities, without their survival being put at risk.

While the interviewee did, along with others, express doubt regarding the possibility of full independence in a globalised context, they still viewed the peoples of nominally independent states as having a sense of freedom in contrast to Anguillians. In other words, while the scope of powers that independent states have may in many cases be restricted (especially where there is dependence on multilateral agencies and aid donors, which imposes burdens of compliance thus limiting self-

governance, Overton et al, 2012), the psychological value of independence was still recognised.

In the BVI, a journalist and activist emphasised that "the conversation" on self-determination should not be about independence but rather about control over development:

> Self-determination, for me it doesn't mean that we go fully independent. […]. I mean, even the bigger countries, right, none of them are really independent. They're working together. So, for us we have to make sure that the conversation isn't about independence but how do we be more in control of our destiny, where we're going, the outlook of the territory, etcetera. But be able to work cohesively with other countries, other territories, other islands. Because I think as it is now, the UK can tell us what to do. Because if you are making a decision you may feel that that is in your best interest, and here it might be for us because we are in it. And then the UK said no, because it doesn't work for whatever their agenda is. To me, that's problematic. (Interviewee 25)

Here, full independence is not viewed as a prerequisite for self-determination, reflecting Philpott's (1998: 70) and Anaya's (2009: 188) views about independent statehood in itself not constituting a fundamental good or the "essence of self-determination," but rather being instrumental in fulfilling other values such as self-government, freedom and equality. However, the metropolitan relationship in its current form is nevertheless considered "problematic" in undermining OT peoples' abilities to autonomously make decisions in accordance with their interests. Although the interviewee was explicitly "not for independence," the above reasoning somewhat reflects the point previously described by a pro-independence former CRC member in Anguilla, i.e. that this would give the OT people control over its external affairs and thus the opportunity to choose and shape its affiliations rather than being dominated by Britain (Interviewee 28).

In Anguilla, a former CRC member further pointed to a "constant tension" between the recognition that affiliation serves to protect the territory and the recognition that the present arrangement entails democratic problems. They stated that in the international global

finance system "there's always this perception that if you remain British, you have advantages that you don't have if you're independent," since being independent also meant being "easily influenced by bad actors" on the international stage (Interviewee 21). While they pointed out that this reasoning may be contradictory since "again, you hear stories that 'there ain't no place more corrupt than the City of London,'" regulatory oversight was still considered helpful. They reflected:

> Can we be self-determined? I can only say this from a personal perspective. If we had a different arrangement for how we make policies that ensured democratic participation in a much more realistic way, I would be satisfied with a continuing relationship with the British government. It would need to be one that allows us as Anguillians to make our decisions- the vast majority of our decisions, in a more participatory way with them, and not have a system where the Governor has so much authority, even the authority of disallowing legislation. That can be worked on, it needs to be worked on. (Interviewee 21)

Here, while democratic issues pertaining to the present arrangement are brought up, self-determination is understood as achievable within a relationship with the UK *if* the relationship is changed to allow for participatory engagement and to eliminate domination.

In sum, while there is a recognition that nominally independent states are not necessarily "independent" in practice, in terms of being able to act on their own priorities without outside influence, the above suggests that self-determination elements such as self-government and cultural integrity are still experienced as threatened by present arrangements for affiliation. If the prevailing view is that 1) the only possible way to exercise (constitutive) self-determination is to transfer to independence, and 2) independence in turn risks constraining rather than promoting (ongoing) self-determination for small, dependent countries (a view shared by many, but not all, interviewees), NSGT peoples will find themselves at an impasse where their (ongoing *and* constitutive) self-determination is violated or threatened under current arrangements, but

where this also cannot be remedied by separating from the metropole. Alternative models would thus be needed.

5.3. "We have to be moving towards something"

Since being elected in 2023, BVI Premier Natalio Sowande Wheatley has been accused of "pushing for independence" by journalists as well as other HoA members (VINO, 2025a; 2025b; BVI News, 2023a; 2024a). He has, however, rejected such claims while still underscoring the importance of self-determination. In a 2024 interview, he stated that "[w]e have to be moving towards something. The status that we're in right now is not a permanent status. (BVI News, 2024b). He further referred to the BVI as "a colony," reflecting the UNGA's classification and challenging the UK's position that the OTs should be delisted. The analysis of interview and media data, however, showcases the difficulties in advocating for self-determination in a context where this is construed as independence only, as a result of frustration with current arrangements, international norms and/or the metropolitan position. OT leaders attempting to bring self-determination up on the political agenda risk facing backlash if this is interpreted as "pushing for independence," which becomes another way in which debates are stifled.

In two articles published in 2025 in *BVI News* and *Virgin Islands News Online* (VINO), BVI political commentator Troy Christopher was quoted speaking about self-determination. Christopher cautioned against "getting lost in the labels of political status," stating:

> Your freedom doesn't start when you reach a state or when you become independent; It starts from that moment when you have already been recognised as a people, a grouping internationally. (Troy Christopher, quoted in VINO, 2025c)

In this understanding, self-determination does not only consist in the choice for a permanent political status, but is rather considered in line with Anaya's (1996) and Stavenhagen's (1996) ideas of it as being of continuous, ongoing importance as a fundamental human right. Christopher further suggested that a referendum on political status could be a "trap" that would risk undermining self-determination "if by

referendum it means that we don't have any right to our land and automatically that means integration" (BVI News, 2025a). In this view, being recognised as a distinct people is what should guarantee self-determination, regardless of status. Christopher stressed the importance of the people being educated about such rights, as "[t]his is the problem you have when you enter into partnerships with countries that don't recognise these democratic principles," referring to the UK (ibid).

This understanding suggests that there should be obligations for the metropolitan state to respect the rights of OT peoples, not merely in terms of affirming their right to choose independence, but in a broader sense as affirming their rights to freely pursue development on their lands and to influence the governing orders under which they live, regardless of when a choice for a different political status would be made. The statements by Christopher further suggest that the UK is currently not fulfilling such obligations. The impermissibility of such a situation risks being overlooked, by OT peoples as well as by the international community, if self-determination continues to be narrowly construed as a one-time event where a definite choice is made between independence or some other status option. If one accepts the premise that OT peoples have rights to self-determination that should be continuously upheld, this is not only a matter of NSGTs having to "move towards something,", but also of metropolitan states having to, as described above, recognise democratic principles and self-determination rights within existing arrangements.

Regarding what "something" could consist in, several interviewees in both the BVI and Anguilla expressed that some form of partnership with another state/other states would be necessary for their respective territories as they pursued self-determination. Opinions differed as to what form such a relationship should take and whether it should be with the UK, with another larger state such as Canada or the US,[67] or with

[67] This would be possible in theory, and the closest any OT has gotten to achieving free association with a state other than the UK is arguably the Turks and Caicos Islands' (TCI) movement for Canadian annexation in the 1980s. However, annexation would require overwhelming public support in both Canada and the TCI, and an amendment to the Canadian Constitution, making it unlikely. All current examples of free association having been taken as a path to decolonisation (Palau – US; the

other Caribbean islands (e.g. the alternative of federation was brought up as desirable by some). Discussing their preference for a free association relationship with the UK, a BVI HoA member stated:

> We don't want them dictating to us. So, a free association would allow for us to cooperate on areas where we see mutual benefit without them dictating. So, the primary benefit of free association is to get out of this unequal relationship into a more mutually beneficial one based on a certain level of respect for each other's sovereignty. (Interviewee 9)

Noting that the UK had rejected the possibility of free association with the remaining OTs, as discussed above, the same interviewee also held that "if they're not interested, I think we should engage other nations." In other words, having a free association relationship (with the UK or with another state), in this understanding, takes precedence over having a relationship with the UK specifically. The main rationale behind this is the idea that it would address the problem of the metropole "dictating" and the relationship being "unequal." Although the BVI is classified as a PIT by Rezvani (2014; 2016), as opposed to a colony where the "full constitutional powers […] are under the ultimate control of another state" (2014: 92), accounts of the metropole as "dictating" challenge this classification. The point about current relationships being unequal, with the metropole dominating, was further reinforced by several interviewees, both in the BVI and Anguilla (discussed in the following chapters).

"Moving towards" self-determination was described by several interviewees as requiring awareness as to what this could entail. Discussing the need for further education on self-determination, a BVI academic pointed to the aforementioned tendency to equate it strictly with independence as causing fear:

> Nobody has been willing to say 'let me go out on a limb and let me engage in an educational awareness building campaign so all people can understand what it is, what is self-determination, what does that

Marshall Islands – US; the Federated States of Micronesia – US; the Cook Islands – New Zealand; Niue – New Zealand) are between former colonies and their former administering powers.

> mean?' And to understand that it doesn't necessarily mean that we are going to be independent or that we are going to be just out there by ourselves and the dogs will eat us or something like that, because that's the fear that people will have. (Interviewee 12)

Here, the need to understand that "we are not going to be just out there by ourselves" is stressed, suggesting that (some form of) affiliation will be of continuous importance. A lack of education on self-determination was generally brought up as limiting ideas of what avenues could possibly be taken - not only in relation to the tendency to understand the concept as strictly independence, but also in relation to fears of challenging present metropolitan relationships at all. Many features of the British relationship were described by interviewees in both territories as "colonial" or "undemocratic,"[68] yet these features have persisted. A BVI activist emphasised this, challenging the notion of a "modern partnership" and linking the retention of the current arrangement to a lack of education:

> It's not a partnership. It's quoted as a partnership, but it's literally not. And what I wanted to continue by saying was, the fear that- there's a fear planted in the people that this is the only way to go. […] Our people are fearful because of this lack of education […]. Freedom to be yourself, to do what you have to do, or to be your own government, doesn't mean that we will fall by the wayside and we end up like the other Caribbean countries that are more impoverished. And so, therefore the need for education and for excellent leadership in order to help the people to be able to understand. (Interviewee 13)

The same interviewee described that fears were widespread as to how the needs of the territory would be addressed without the UK link, e.g. whether the BVI would lose the US Dollar, or "who will be our army." Still, they emphasised that "this is one of the areas where we need to educate the people, that you won't be standing by yourself," in that the

[68] For example: the possibility of suspending constitutions and imposing direct rule by the metropole; the Governor being appointed by the Crown and not accountable to the people in the territories; possibilities of the UK legislating for the OTs without them having a voice in such decisions. This is discussed further in the following chapters.

BVI could "join with others" to partner and have affiliations. This reflects an understanding of self-determination not necessarily as being fully sovereign (e.g. with a national army) but as being free to form relationships for affiliation that would allow for "freedom to be yourself." While the UK relationship was described as "not a partnership," the binary understanding of self-determination had, in the interviewee's experience, led to fears of challenging it at all.

While present UK-OT relationships have been characterised as "partnerships" in metropolitan documents and debates, many other interviewees in both territories similarly expressed that they did not agree with this characterisation, due to experiences of inequality and domination. While not suggesting any immediate transfer to independence as a way of addressing self-determination violations, an Anguillian lawyer and activist stated, on the issue of "partnership":

> If we were really having a partnership, it should be encouraging us, putting in place a framework that allows our differences and our culture to thrive. And instead, what is happening is a slow eradication of our national identity, our individual identities as Anguillians, and you are seeking to suppress the true spirit of the people. And so, I feel as though the UK should be recognizing its responsibility to do just the opposite of what it is doing. And instead of telling us to just get over slavery, in the face of a situation in which up to 2015 you were content to pay, you know, recompense to plantation owners, they should be encouraging and looking at ways and means as to how they are going to offer reparations. So that we as Black people can feel that we are truly at a table of partnership. (Interviewee 15)

Here, the question of what responsibilities the administering power should have towards its OTs in a supposed partnership is raised, especially as they pertain to cultural integrity. The need to discuss forms of reparations is further linked to the possibility of creating a "true partnership." Caribbean intergovernmental organisation the Caribbean Community (CARICOM), of which both Anguilla and the BVI are associate members, has repeatedly advocated for reparations to be offered by colonising powers to Caribbean states and territories (Gentleman, 2023). However, the UK government has remained resistant to the concept (ibid). While the above quote suggests that there

could be a possibility for real UK-OT "partnerships," it repeats the argument identified in several other interviews that this would necessitate significant changes in the metropole. In line with this, Premier of the BVI Natalio Wheatley was quoted in a 2023 *BVI News* article, speaking on self-determination and stating that "[w]e cannot remain a colony of the United Kingdom. We can continue our relationship with the UK but it will have to be as equal partners." (BVI News, 2023a).

Speaking about the experience of being "dictated to," with "British values" often being prioritised over OT values and -interests in the present arrangements, a BVI lawyer and political candidate stated:

> Yet, if we go independent, what fortune might that bring, what sea of misfortune must we traverse? I say all that to say, what I think the Virgin Islands truly requires is respect for our people, our values, our own particular needs of governance, our resources and circumstances from the UK MPs, FCDO and NGOs, and news organisations. Perhaps, if they would afford to us the right they afford to themselves, it would go a long way, and that is, the right to be heard. (Interviewee 20)

The above, again, points to an awareness of the uncertainties and risks that full independence might give rise to, at the same time as the current governing arrangement is recognised as flawed in its denying OT peoples "the right to be heard." This indicates that a continued metropolitan relationship could be preferable to protect the OT people from a possible "sea of misfortune," but that for self-determination to exist, this would need to be on the condition that Virgin Islanders' values, needs and particular circumstances are respected. These examples suggest that "moving towards" a "something" that could constitute self-determination is not necessarily understood as full, Westphalian sovereignty, but rather as the ability to form partnerships (with the UK, or with other states) that would ensure security and survival while allowing for OT peoples to act as equal partners as opposed to being dominated. Presently, however, this was not thought to be the case, with a majority of interviewees pointing to democratic shortcomings (discussed further in Chapter 7) while metropolitan

values, interests and norms were still often experienced as taking precedence over OT ones (discussed further in Chapter 6).

5.4. Concluding remarks

The independent state model may have come to be increasingly questioned, as described in Chapter 2, and many interviewees indeed expressed doubts concerning the idea of full independence as a route to decolonisation. Still, the norm of independent statehood remains surprisingly strong and still permeates debates on self-determination, even in the very smallest societies where it has been described as "least likely to occur" (Aldrich and Connell, 2020: 449). This tendency could be traced partly to how this norm has come to be cemented as "natural" for colonised territories and peoples, and partly to the British metropole's stance in regards to the OTs (reaffirming the right to exit the relationship and go independent, but remaining reluctant to develop other potential models). The view that self-determination equals independence only tends to have limiting effect on these debates, as the common belief that the territory would have difficulties surviving following a transfer to independence would put an immediate end to such discussions. In addition, several interviewees pointed out that nominally independent states (in particular small ones) may not be that independent in practice, challenging the very image of decolonisation as independence.

However, the consequent idea that the OT peoples are "choosing the status quo" by not choosing independence, even though the metropole has affirmed their right to it, is based on a false dichotomy. By reiterating that the OTs are free to separate at any time, the metropole could certainly be viewed as recognising their peoples' rights to constitutive self-determination (choosing their political status). But from another standpoint, it could also be viewed as absolving itself from the responsibility of fully engaging with the OTs in developing other models for such self-determination, leaving them with a choice between, essentially, status quo and independence. If the independence option is further viewed by majorities in the territories as jeopardising the survival of the OT, status quo is really all that remains. The effect,

then, is that self-determination is undermined rather than promoted, as colonial features of present relationships are legitimised by the presence of the right to exit in theory. This has led international and academic communities to, as expressed by Interviewee 2, "assume you're in that relationship because you want to be."

The fact that the UK affirms the right to independence for its OTs and offers its assistance should they seek it is certainly not wrong per se. It is difficult to imagine an administering power in the present-day officially holding on to a colonised territory whose people have expressed a desire to separate. However, the findings of this chapter suggest that the guarantee of a right to exit is insufficient, and that if it is used as an indication that the status quo is satisfactory, it risks having adverse effects. While independence should remain an option, a focus on it exclusively disregards how group relations can positively and negatively affect self-determination (Nine, 2022). Seeing how several interviewees understood such relations as crucial to the survival of their polities, these are arguably important aspects to consider.

It is quite noteworthy how ideas about what constitutes "acceptable" decolonisation have developed from what Césaire and Senghor envisioned in the early years of the post-WWII era, i.e. transformative rights and claims of colonised peoples to fundamentally re-constitute the states which had dominated and enslaved them (Wilder, 2015), to a present situation where colonising states may decisively reject free association arrangements and simply offer a choice to leave altogether. This is not to say that states should necessarily be forced to enter into relationships of free association in all cases, but the comparison between these past and present ideas raises questions in regards to what colonising states should rightfully owe to colonised peoples.

When it comes to what responsibilities the metropole should have in promoting self-determination for OTs, reparations and the creation of truly equal partnerships were highlighted in the interview and media material. It was further suggested that OT peoples have a right to self-determination that does not *begin with* a transfer to a permanent status, but that should already be respected and fulfilled. Many interview responses further pointed to a link between the ongoing and constitutive

aspects of self-determination, in that violations of ongoing self-determination (e.g. democratic shortcomings) called for either the severing of ties or the ability to substantially re-structure relationships so as to address such violations. If one agrees that having the right to pursue independence alone is not sufficient for the constitutive aspect of self-determination to be realised, both aspects would be violated in these cases unless other options for shaping the governing institutional order exist. This will be further explored in Chapter 8.

Chapter 6: Living in-between - ideational and material experiences of metropolitan affiliation

Based on field data from the BVI and Anguilla, this chapter analyses how UK-OT relationships are perceived on the territory level and, relatedly, how OT inhabitants experience these relationships in light of the concept of ongoing self-determination (Anaya, 1996). This is broadly understood as the ability of a people to make meaningful choices and develop freely and continuously under the governing institutional order. The chapter specifically addresses how OT-UK relationships are perceived in relation to the elements of *non-discrimination, cultural integrity, social welfare and development*, and *land and natural resources*. The final element forming part of Anaya's (1996) conceptualisation, *self-government*, is discussed in Chapter 7. The reason as to why self-government is covered in a separate chapter is that during the analysis, it became apparent that shortcomings in this (overarching political) dimension of self-determination could be considered as the sources of shortcomings pertaining to other elements. Where there was an expressed grievance in regards to, for example, outcomes related to land and natural resources, the reasons for this could be traced back to a lack of self-government. This chapter should thus be seen as painting a picture of outcomes and experiences of metropolitan affiliation in the BVI and Anguilla, whereas the following chapter connects those experiences to the political arrangements.

The chapter is structured as follows: first, questions of how affiliation in these cases relates to *non-discrimination and cultural integrity* are discussed. Since these norms are closely connected and constitute what could be termed the more ideational aspects of self-determination, they are covered under the same section (6.1.). Second, questions of *land,*

resources and *development,* making up what could be described as the more tangible or material aspects, are covered in section 6.2. Section 6.3. consists of a concluding discussion.

6.1. Non-discrimination, cultural integrity and metropolitan affiliation

Anaya's (1996: 98) describes how the norm of non-discrimination entails that states ought to "eliminate incidents or legacies of discrimination against indigenous peoples," where discrimination is understood as consisting both in the destruction of conditions necessary for maintaining distinct communities' lifeways, and in their exclusion from participation in the dominant society. In accordance with the norm of non-discrimination, the rights of Indigenous *groups* to maintain and develop their cultural identities free from attempts at assimilation (cultural integrity), as well as the rights of Indigenous *individuals* to enjoy the same civil and political freedoms or the same access to welfare as others within a state, ought to be ensured (Anaya, 2004). This relates to what Åhrén (2016: 227) in turn refers to as two, sometimes conflicting, interpretations of non-discrimination. A conventional, liberal interpretation emphasises the rights of all *individuals* within a state to be treated the same, whereas an "evolved" understanding recognises the rights of distinct *groups* to have the same opportunities for developing their cultures and identities as other groups, sometimes then motivating differential treatment. For OTs and other NSGTs – existing in spaces "in-between" where they may or may not be considered "part of" the metropole or its people, but remain under its authority – it becomes relevant to consider how non-discrimination is interpreted and with what implications.

The BOTs inhabit ambiguous positions in relation to the state – not constitutionally part of, yet in constitutional relationships with it; distinct and geographically separate from, yet sharing a national citizenship with its population. As noted in Chapter 2, from metropolitan perspectives the BOTs now tend to be described as members of a "global British family." They have their own elected

governments, although the Head of State remains the British monarch; they have their own flags and territorial/national songs, although the official national anthem is God Save the King. Potentially, such in-between positions could open up for creative ways of pursuing self-determination and safeguarding cultural integrity, while retaining advantages related to e.g. security, reputation and the right of abode in the metropole. The British citizenship could further be used to claim equal treatment in regards to access to welfare or political rights, as legal citizenship is linked to a norm of equality (Carens, 2000: 165).

However, in-between statuses also give rise to controversies and uncertainties regarding the extent of powers that the metropole may exert over the OTs (Harmer, 2018). As noted in Chapter 4, points about "second-class citizenship" have further been raised by representatives from both US- and UK-affiliated NSGTs addressing the UN decolonisation committees, referencing democratic deficits and unequal relationships where NSGT peoples remain subordinate. This raises questions as to how these in-between positions are experienced on the ground in regards to (ideas about) equality and non-discrimination.

6.1.1. A global British family?

The question of how metropolitan affiliation is experienced in relation to non-discrimination and cultural integrity becomes relevant in light of the UK Government's post-Brexit foreign policy strategy *Global Britain.* Through this strategy, the metropolitan state has sought to reinforce its role as a Euro-Atlantic power and project British influence by emphasising partnerships "within and beyond Europe" (Hadfield and Whitman, 2023). In 2021, a key document setting out the Global Britain strategy stated that the shared interests of sovereignty, security and prosperity "bind together the citizens of the United Kingdom, along with our Overseas Territories and Crown Dependencies, giving us an advantage in an increasingly competitive global environment and a distinctive and influential voice in the world" (HM Government, 2021: 13). The metropolitan government here indicated a renewed interest in the OTs, also demonstrated in the 2019 FAC report *Global Britain and*

the British Overseas Territories: Resetting the relationship. The FAC report stated that the "territories are not part of the UK, but they see themselves as members of a global British family" with a "strong sense of British identity" (FAC, 2019a: 5-6), and that:

> The people of the Overseas Territories are deeply proud of their British heritage and continue to feel a strong sense of loyalty to the Crown and a close bond with the United Kingdom. (FAC, 2019a: 12)

From the metropolitan side, there has been an interest in claiming the OTs as part of the Global Britain agenda, manifested in assertions of shared interests, "British identity," and a "global British family." Concepts of group identity and peoplehood do become important in relation to non-discrimination and cultural integrity, as different ideas about "the people" have implications for what institutions and rules may dictate its governing. If OT peoples are considered primarily as British sub-groups rather than as separate *peoples*, it may seem more justifiable for the metropole to legislate for them, or less justifiable for OT governments to retain autonomous control of their boundaries. Being tied to yet not part of a metropolitan state, and holding its national citizenship, creates a situation where OT peoples are simultaneously separate from, connected to, and under the authority of the UK.

Although British citizenship has been extended to the OTs for more than 20 years, the vast majority of interviewees' responses challenged the portrayal of this as having been accompanied by a "strong sense of British identity." Instead, the "Virgin Islander" or "Anguillian" identities were considered psychologically as far more important. A BVI lawyer described:

> Nobody really feels that we are British. We consider ourselves Virgin Islanders. We don't consider ourselves British. We like to fly the British flag for the security and all the other things that it brings, but all of that is waning apparently ever since Brexit. So, we don't really feel- we've never felt that we are British. (Interviewee 8)

The same sentiment was shared by interviewees in the BVI and Anguilla alike, who typically would recognise advantages of retaining the link to Britain (e.g. reputational, security- or related to metropolitan

support) but would not think of themselves a "British." An Anguillian HoA member described, on general sentiments regarding identity:

> The average Anguillian does not identify themselves as British, I'll be very honest with you. A lot of them, if you ask them, they will tell you they are Anguillian. And some of them will not even admit that 'Anguillian' is a social construct and not an actual citizenship, because that is what they see and identify themselves with. There's some people who have not even taken the British passport, so what they have is the British Overseas Territory passport because they still feel connected. (Interviewee 7)

This suggests that ideationally, the national citizenship does not hold much weight in people's day-to-day lives and remains secondary to the "construct" that is "Anguillian." This construct (a local status that confers political and other rights, also often referred to as belongership) indeed does mirror some of the key functions of citizenship on the territory-level, and its implications in terms of constituting a separate "people" whose members nevertheless hold British passports have sometimes been controversial (discussed further in Chapter 7).

Generally, the institution of national citizenship has been presumed to enhance the legitimacy of collective identity based on a "sense of shared nationhood" (Bloemraad, 2018: 16). In obtaining citizenship, it has been suggested that a person does not only gain rights and status in a formal sense, but also "identity through symbolic change" by becoming part of a national political community (Goodman, 2014: 16). This has been referred to as the identity dimension (Joppke, 2017) or the psychological dimension (Carens, 2000) of citizenship. In what Carens (2000: 166) describes as the conventional understanding of citizenship (an idealised conception where this means membership in a nation-state, and the nation-state in turn is "the only locus of political community that really matters," 2000: 161), its legal and psychological dimensions are tightly connected and there is an expectation that "people will feel a strong sense of emotional identification with […] the state in which they possess legal citizenship" (ibid). To an extent, the metropolitan view appears to reflect such an expectation.

The field data from both the BVI and Anguilla, however, indicates that this is not necessarily the case, as the status the OTs creates a situation where the psychological dimension becomes diminished. Exemplifying this, a BVI academic brought up how an essay competition on "Britishness" had taken place in the territory some years prior:

> They had like a- it was a bit gross to be blunt, you know, like an essay competition for kids, to explain what 'being British' means to them. I think they have no context of Britishness. (Interviewee 10)

In an essay published in the *BVI Beacon* in 2016, senior lecturer of literature Richard Georges discussed the same (at the time recently held) competition and its prompt, which read "What does being British mean to me?". Georges described that the questions that struck him when reading the prompt were, first, "Are we truly British?" and second, "How are we supposed to know what being British means in general, much less what it means to us individually?" (Georges, 2016). Pointing to other Caribbean islands with similar ties to the US, France and the Netherlands, and their fractious relationships to their respective metropoles, Georges further emphasised that gaining citizenship rights should not automatically assimilate a people into the nation-state. Reflecting on the essay competition's task of writing about "being British" rather than "being a Virgin Islander", he concluded:

> As the remnants of colonial power, the last ruins of the Empire, we are often asked to perform the song and dance of colonialism, simultaneously celebrating emancipation and the Empire that enslaved our ancestors and nearly eradicated the original possessors of these islands. Whenever we do that, we quietly re-enact those violent realities with little more than a passing thought, a tacit submission, a regression to being good colonial subjects. There must be something more. There must be a better way of being 'BVIslanders' — one that takes the focus away from the first letter of that acronym. (Georges, 2016)

Metropolitan re-engagement with the OTs since the late 1990s has led to more conscious approaches and relationships officially structured around principles of self-determination. However, it has also created a situation where metropolitan officials, while recognising the "unique

cultural identities" of OT peoples, have sought to represent them as part of a wider "British people" (FAC, 2019a: 26). The interviewees' own accounts of identity and the reflections outlined above stand in stark contrast to such portrayals. While it has been suggested that identification with the metropole may constitute a reason for continued affiliation in some cases (Royle, 2010), the field data shows that this remains limited in both the BVI and Anguilla. Important to consider here is that the cultural integrity element of self-determination, as it has been enshrined in international law pertaining to the rights of Indigenous peoples, implies that "indigenous peoples are not to be forced or pressured to assimilate and thus lose their distinctive cultural attributes to dominant cultural patterns" (Anaya, 2004: 15). This should arguably apply similarly to NSGT peoples, defined as "geographically separate" and "distinct ethnically and/or culturally" from their administering powers (GA Res 1541, IV), with a recognised right to self-determination.

The 1999 White Paper that preceded the 2002 Overseas Territories Act explicitly stated that the offer of British citizenship should be "on a non-reciprocal basis as far as the right of abode is concerned" (FCO, 1999: 19). This would ensure that the OTs retain their autonomous institutions, protecting their peoples against assimilation. Presently, only individuals who hold belonger status (a territory-specific, citizenship-like institution, see Chapter 7) may vote and run for office in OT-level elections, or own land without this requiring a specific license, with such restrictions also applying to British citizens. Still, the metropole retains the power to legislate for the OTs, and some British elected officials have signalled a possible backpedalling on the principle of non-reciprocity by recommending that belongership be abolished by the UK government so as to eliminate rifts between different "group[s] of British people" (FAC, 2019a: 26). This suggests that the ideas of identification, and in turn non-discrimination,[69] on which UK policy and policy recommendations are based are not

[69] E.g. if OT peoples are "British," the conventional liberal interpretation should apply and all citizens should have the same rights everywhere, and if they are distinct peoples, the "evolved" interpretation should reasonably apply (Åhrén, 2016).

necessarily consistent with views in the OTs. Such differences have had implications in recent history, most clearly in relation to the FAC's recommendation, to which we return in Chapter 7.

At the same time, metropolitan constructs of OT peoples appear to be rather fluid and ambiguous. While this thesis has only briefly examined metropolitan perspectives, several interviewees pointed to the fact that the OTs are still administered by the Foreign, Commonwealth and Development Office (FCDO) even though their inhabitants are now supposedly "British," as being indicative of metropolitan views of the OTs as "foreign." Exemplifying this, a BVI academic stated:

> There's a fundamental dissociative sort of context there, that we're clearly- even though we have now access to citizenship, clearly not *seen* as British citizens if it's the Foreign Office who-… You'd think the Home Office, the Prime Minister's portfolio, would make a lot more sense if you have a bunch of territories with British citizens in them. […] But then you also have these tone-deaf political jargon speakers who will be like 'Global Britain'. Global Britain is a thing, the Overseas Territories are a literal thing. (Interviewee 10)

The ideational separation between OT and metropolitan peoples can thus be understood both as a consequence of group identification on the OT level and as a consequence of categorisation through metropolitan practices (Jenkins, 2004: 85). Several interviewees pointed out that the metropole did not in reality tend to treat OT peoples as "citizens." Such arguments were made based on the FCDO remaining the lead department for OT relations, but also in regards to perceived rights violations (e.g. for the BVI, the possibility of the metropole suspending the constitution following a Commission of Inquiry, discussed further in Chapter 8), and a lack of support. Speaking on the Global Britain strategy, a BVI lawyer and author expressed:

> I don't think there is a real relationship. I mean, we are under the Foreign and Commonwealth Office, which means we're considered foreign. But in the Global Britain paper, there was intention to try to create a Global Britain family. It's an oxymoron, because there's no indication that that's the relationship you want, except for the benefits that you can get. Like, […] the biodiversity, the blue economy, the

> bragging rights I think, because my understanding is that 90 something percent of the UK's biodiversity is in the OTs […]. But you can't want to hold on to someone- you can't want me and not want to be in a relationship with me. It's just the bottom line. So, if there's going to be any real relationship, then better treatment has to come from the other side. (Interviewee 18)

In regards to what "better treatment" would entail, in the interviewee's view this was primarily tied to better assistance in terms of ensuring adequate infrastructure in the territory, or that the BVI would be able to rely on the metropole in cases of natural disasters (a common sentiment was that assistance to the Caribbean OTs following hurricanes Irma and Maria in 2017 had been lacking, see also Clegg, 2018). For there to be any "real relationship", the interviewee stated that "contingent liability and giving someone a passport, I don't think that's enough" (Interviewee 18), suggesting that this was still perceived as being on a rather superficial level where "Global Britain" was primarily understood as a strategy for promoting metropolitan interests whereas the OTs would remain foreign in practice.

The point that "better treatment" would entail a guarantee of better infrastructure reflects the non-discrimination element, requiring that Indigenous (or if applied to this case, OT/NSGT) peoples should be granted the same access to welfare as others within a state (Anaya, 1996; 2004). While the OTs are not "within a state" in the same ways as Indigenous peoples, being constitutionally separate from the UK, they are still ultimately under the authority of the metropole and have, as showcased above, been constructed as "British" in metropolitan documents. This raises questions as to what "true equality" (Ferdinand, 2020) entails in such situations, and whether the ideas about shared identities and values that underpin Global Britain may promote or undermine it.

Speaking on the relationship between the UK and the Virgin Islands, a BVI lawyer and political candidate reflected:

> We are a people separate and apart from the United Kingdom, our values are different, our governance is different, and sometimes it indeed feels like our values, norms and circumstances are not given

> much consideration by the Government of the United Kingdom, its Parliament and non-governmental organisations. Rather, priority seems to be given to British values, even as it concerns the Virgin Islands and what is good for the Territory. We are in fact, to an extent foreign. A prime example of OTs "foreign status" is that holders of British Overseas Territories Passports must apply for certain visas or "leave" to study in the UK. I do not believe that I have heard of Crown Dependencies being subjected to such conditions. But, alas, maybe I am wrong, however, even if I am incorrect, it still feels wrong to be dictated to as to what should and shouldn't be, by those to whom I have no democratic relationship and who bear little to no knowledge of the Virgin Islands, yet think their values, norms, governance and way of thinking are how things ought to be. That is a sort of supremacism, perhaps born out of a proud history of dictating morality, and being able to tell what is best for the World and other cultures, without so much as a thought or care as to what the actual and practical effects would be on the peoples they dictate to. (Interviewee 20)

Relatedly, several interviewees expressed scepticism regarding the intentions behind Global Britain, what implications it would have and whether it would be consistent with OT peoples' interests in maintaining their own distinct identities. For example, a BVI activist described that "a lot of people" questioned the meaning of the agenda and whether its intention was to "reformulate an empire" (Interviewee 1). An Anguillian lawyer and activist further stated, on the prospects for OT peoples to be self-determining within a UK relationship in the context of Global Britain:

> I think that there are two competing agendas at play. The UK is intent on Global Britain. Global Britain is a footprint in which it secures power to the realm of the UK. […] So Global Britain is meant to, in my view, promote assimilation. And in the context of countries, assimilation means that one has to be subordinate to establish the dominance of the other. […]. And to assimilate means- for the one that is subordinate- means that you have to conform. So, if we are to conform, then it means that the things that differentiate us, differentiate Anguilla from the UK, has to be nullified. (Interviewee 15)

The Global Britain agenda was described by the same interviewee as aimed at creating a sense of "oneness, sameness and assimilation," based on metropolitan interests and cultures. This calls into question whether the image of "shared values" and a shared voice underpinning Global Britain is accurate, or whether this is still mostly a matter of "British values" being promoted. In the interviewee's understanding, the post-Brexit attempt to reinforce Britain's influence by emphasising partnerships within and beyond Europe constituted a threat to OTs peoples' cultural integrity, as subordination meant that they would be subsumed under supposedly "shared" values that had nevertheless been formulated in the metropole, based on metropolitan objectives. This also relates to an understanding voiced by an Anguillian former HoA member and opposition leader, who described that an estimated 80 percent of Anguillians did not "feel in alignment with British objectives" (Interviewee 22).

While affiliation may have advantages over full independence, the above discussion showcases that the OTs' ambiguous positions in relation to the state give rise to conflicting ideas regarding collective identities and peoplehood, where OT perspectives stand in stark contrast to metropolitan ideas about "British" identities. With this, they also give rise to fears of assimilation, with the Global Britain strategy purporting "shared" values and -voice but being viewed in the OTs as imperial with the metropole still "dictating," as well as a sense of a lack of equal or "better treatment." If interpretations of non-discrimination are selectively applied (e.g. to argue for resident British citizens being granted a "right of abode" in the OTs in the same way as citizens from the OTs may vote in British elections upon relocating to the metropole), and if those interpretations are further based on metropolitan perspectives alone, the ambiguous positions of the OTs risk making them "British" in some contexts where this is thought to be in line with metropolitan interests, yet "foreign" in others. Being in-between would then constitute a threat to, rather than an opportunity for realising, "true equality" (Ferdinand et al, 2020), particularly if the metropole retains a superior position in defining supposedly "shared" identities and values that may not be reflected in the territories.

6.2. Development, land and resources, and metropolitan affiliation

As established in Chapter 1, one of the main arguments for metropolitan affiliation in smaller islands has been relative advantages in terms of development and living standards. Seeing as access to social welfare and the free pursuit of development have been considered key to self-determination (Anaya, 1996), this could also indicate that metropolitan affiliation should be considered as promoting it (Rezvani, 2014: 308). The sections below consider such arguments in relation to views and experiences in the BVI and Anguilla.

6.2.1. Metropolitan support: key but conditional

Particularly among interviewees in Anguilla, which has been less self-reliant than the BVI, the need for metropolitan support was often recognised. An Anguillian HoA member emphasised that "what we really need is help with our physical development, like our infrastructure and stuff like that, and we've gotten assistance with that" (Interviewee 7). News articles further corroborate this, describing e.g. how the Government of Anguilla was granted over 100 million EC dollars to meet budgetary shortfalls following Covid-19 (The Anguillian, 2021a; 2021b), and how grant aid had been received from the FCDO in 2020 for a resurfacing of the territory's airport (The Anguillian, 2020). Several interviewees pointed to the importance of such assistance. As one HoA member described:

> From an infrastructure perspective, they have certainly invested hundreds of millions of dollars if not billions over the last few decades in Anguilla's development. Even this building was restored after Irma. […] So, we certainly would have benefited funding wise. It was a road that was built, again they would have assisted us with that as well. In addition to that - it's something we don't think about but it exists: We've had access to the UK citizenship and that means the UK passport. And what that has done, it has really opened us up to the world. It has given us a very significant advantage as a Caribbean territory that we don't sometimes value. (Interviewee 7)

This relates to the discussion in the previous section about citizenship, and emphasises that while the psychological dimension of national citizenship may be diminished, it can nevertheless hold value for the opportunities that the British passport entails in a more pragmatic sense. Metropolitan funding and investments in e.g. infrastructure are also highlighted as important to the development of the territory, and reflects the observation by Prinsen and Blaise (2017) that budgetary shortfalls in non-self-governing islands tend to be covered by their metropolitan states. However, interviewees also pointed out that metropolitan assistance tends to come with conditions, which complicates the image of this as enhancing OT peoples' abilities to act in ways and make decisions that they see as "appropriately their own" (Nine, 2022). An Anguillian activist, who held critical views of the UK relationship and its impacts on the territory, described:

> I think the UK relationship has stifled our progress. And I think it has been a deliberate attempt to do so. And that's because if I am economically independent, I do not need you. So, you cannot strong arm me by forcing me to sign stringent conditions for financial support. (Interviewee 17)

In a similar vein, an Anguillian journalist described that the metropole would offer "help," however:

> That help, unfortunately and sadly, comes with lots of conditions attached to it. That is our problem we are facing right now. Conditions. And some of them are very stringent. Some of them, to my mind, they are culture changing. (Interviewee 5)

In particular, the interviewee quoted above, along with others, brought up the implementation of the Goods and Services Tax (GST) as an example of such a condition. The implementation of this tax has been controversial for several reasons, giving rise to a movement petitioning for and demanding its repeal in a series of open letters to the Governor of Anguilla (The Anguillian, 2021c). Following the impacts of the 2017 Hurricane Irma and subsequently the Covid-19 pandemic, the Anguilla government at the time had to rely on loans from Britain, which were granted on the condition that the GST be implemented so that the territory would be in a better position to cover its financial affairs (Loop

News, 2022). However, the tax (13% on all goods and services) was not thought to be in the interest of the populace of the territory, and the government that was later voted into office in 2020, led by Premier Ellis Webster, explicitly campaigned against it as part of its election platform (The Anguillian, 2023). Still, soon after coming into office, the Webster administration signed an agreement which included the pledge to institute the GST, and despite protests the tax was implemented in 2022 (Loop News, 2022).

According to Webster, while he had been opposed to the GST, agreeing to implement it had ultimately been necessary in order to obtain necessary financial support, especially seeing how tourism to the territory was likely to be reduced for the coming years due to the pandemic. He was quoted saying:

> "Today, […] we consider that the implementation of the GST is necessary […] It has allowed us to get the money from the UK to keep Anguilla running while we are going through this pandemic. We had to have relief money for those who are unemployed or underemployed." (The Anguillian, 2021d)

Aside from the fact that "No GST" had been a central part of the Webster administration's election platform, the way in which the GST Bill was passed in the HoA has been controversial since a majority of elected members voted against it, but two ex-officio members (the Attorney General and Deputy Governor, both appointed by the Governor) used their constitutional powers to vote in favour, thus creating a majority. On this, the *Concerned Citizens of Anguilla* movement wrote, in an open letter to the Governor in July 2021:

> "The Public […] notes with disdain that there has never been such an unprecedented move and direct assault on the democracy of the People of Anguilla as the actions of those ex-officio members. It is incomprehensible to us, the People, that these two ex-officio members, appointees of the British, were used and felt emboldened to cast a vote to frustrate and crush the expressions of our People through the majority of the elected representatives. (The Anguillian, 2021c)

This situation pertains both to the social welfare and development and self-government dimensions of self-determination, seeing as the implementation of the tax was not a desired outcome by a majority of Anguillians but a condition placed upon the receipt of necessary funding, and seeing as the passing of the Bill was determined by appointed HoA members.

It can be added that prior to Brexit, the EU had been an important source of aid, financial- and post-disaster reconstruction support, development and disaster risk prevention funding for the OTs (Benwell and Pinkerton, 2016). Brexit, however, left the metropole as the only source of such funding. As an Anguillian former CRC member described, all overseas territories had received "agricultural aid, technical advice, technical support" from the European Commission, which had further "invited us to send representatives to participate in international conferences on trade and development" (Interviewee 6). Following Brexit, the same interviewee described that people in the OTs were upset about the decision, seeing as "we would be completely reliant on the British Foreign Office for any international assistance that we would get." Similarly, an Anguillian former CRC member, who was in favour of independence for the territory, stated that "currently now, if we need funding for anything in Anguilla that we can't support ourselves, we have to get it from the British" (Interviewee 28).

While there were dependency relations between the UK and OTs before Brexit, these relations arguably deepened after, as alternative sources of assistance disappeared. It was also pointed out that OTs cannot seek assistance from other nations because the UK retains responsibilities for foreign affairs (Interviewee 28), once again leaving the metropole as the only source. This would make the importance of these relations allowing for functional autonomy (Nine, 2022) even more acute. The responses outlined above however, indicate that present arrangements are not serving to fulfil Nine's *autonomy* criterion. This, i.e. the capacity of a group to "form and act on its own positions" (Nine, 2022: 188), is thought to be impeded when support is used by external actors to implement their own ideas for development, e.g. through the placement of strict conditions on support. With OTs

becoming more reliant on the metropole post-Brexit, and with conditions being placed on funding for necessary expenses such as post-disaster reconstruction, it can be argued that the functional autonomy of OTs has been diminished.

Considering that the GST was widely opposed in Anguilla yet implemented as a result of necessary assistance being conditional upon it, and passed in the HoA despite a majority of elected members voting against it, it is questionable whether the Anguilla-UK relation has allowed for the OT people to identify with the processes by which decisions are made for their development This showcases that while the metropole may be a valued source of support, the *nature* of such support also matters in regards to self-determination.

The theme of conditional support constituting a hindrance to functional autonomy did not only emerge from the material pertaining to Anguilla, but also from that relating to the more self-reliant BVI. Several interviewees brought up the fact that the metropole had offered the territory a loan guarantee for recovery following the impacts of 2017 hurricanes Irma and Maria, but that this had been attached to strict conditions. Reflecting on this, and on difficulties in obtaining aid from other sources given the OT status, a BVI lawyer described:

> People got concerned that the relationship wasn't worthwhile for us, because there was the OECD principles that basically said that they couldn't give us foreign aid, because we weren't foreign. And so, that made the relationship very strained. So, it developed into where they wanted to give us a loan guarantee, as opposed to actual aid. […] There was a lot of conditions and I think that is what worried us. Where it would basically mean that we would be tied to the UK indefinitely if we ever took that loan guarantee. (Interviewee 8)

The loan guarantee for recovery and development was similarly criticised by other interviewees, stating that "it was conditioned on the fact that they didn't think that we were competent enough to do the rebuilding and that British companies should come to the territory and set up and be the ones who are rebuilding" (Interviewee 24) and that since the loan guarantee "came with a lot of conditions", "it became very clear that we had to do most of the recovery on our own"

(Interviewee 9). In 2019, Premier at the time Andrew Fahie issued a statement on the loan guarantee:

> The matter before us is primarily that of accessing loan funding to support the mountain of work that needs to be done to advance our recovery, restoration and development […]. However, the issue that we face is whether we are prepared to mortgage our birthright in order for the British Government to provide the guarantee needed for us to access this critically needed funding. At present, what the UK Government is demanding in order for it to provide its guarantee, is for the Virgin Islands to basically hand over almost full control of the management of the Territory's finances to the Recovery and Development Agency (RDA), which was set up at the request of the UK Government. (Premier's Office, 2019)

As reported in the *BVI Beacon*, negotiations around the loan guarantee stalled with BVI leaders worrying that the conditions would give the metropole too much oversight over the territory's affairs, and it was later announced as being "off the table" in 2022 (Kampa, 2022). The decision by the BVI government to reject the loan guarantee has subsequently been criticised by other HoA members, describing it as a "gamble" (BVI News, 2022c), a "gigantic mistake" (BVI News, 2023b), and a "monumental blunder" (BVI News, 2023c) given the territory's remaining infrastructural problems. Fahie, however, stated that rejecting it had been necessary to "protect the Virgin Islands" and its financial autonomy (BVI News, 2022d).

It may be true that "[w]hen an environmental disaster strikes […] (usually powerful) core states take a direct interest in the affairs of a PIT, much like they would with regard to the rest of their international legal space" (Rezvani, 2014: 14). However, this situation illustrates that such an interest can also be contested if support is conditional on a perceived loss of autonomy. While Rezvani (ibid) considers PIT status as superior to independence in this regard, as "[s]overeign states do not have this form of insurance against the many dangers in the international system," several interviewees in the BVI pointed out that the OT status had hindered recovery support from alternative sources such as the EU and the OECD, leaving the territory with only a conditional offer from the metropole.

6.2.2. Legacies of neglect

For the BVI, while there were frustrations with the lack of support from the metropole and the conditionality of the loan guarantee following the 2017 hurricanes, a recurring theme across interviews was the understanding that the territory over time had been generally independent in terms of development. Some interviewees, however, still pointed to the value of the UK citizenship and forms of assistance, e.g. a political candidate described:

> They've offered us things like, I mean, we're UK citizens. We get support with our health. There are instances where- I think they've offered us a number of opportunities for, if people are very ill, they can be treated in the UK. If you live in the UK- I mean, you move from here to the UK, you get the same privileges. (Interviewee 11)

Another point raised by a political candidate was the, in their view, failure to understand how "the fact that we are even where we are today in this country is because of the support of England," with the UK link being crucial for the survival of the financial services industry (Interviewee 27). Citizenship rights and the importance of affiliation for key industries were thus emphasised as important benefits. However, when considering BVI development over time, other interviewees highlighted how metropolitan neglect had meant that territory's people had had to forge their own paths. A lawyer stated that the territory's economic success was due to Virgin Islanders' "own creativity and activity, without the help of Britain" (Interviewee 19), and an activist described that "the Virgin Islands has been on its own since the 19th- for over 50 years or so. We've been having to do on our own, with no real help or assistance from the United Kingdom" (Interviewee 1). In line with this, an academic reflected:

> Even the institution that we're in right now was established by a BVI government, a particular Chief Minister who- the institution bears his name, and he is who made sure that it was funded to be established. And then all of the major expansions of our facilities came via EU grants, which we are no longer eligible for. So, you know, historically, I mean, this has been a British territory since the 1600s.

> But the British didn't build schools, they didn't build hospitals, they didn't cut roads, they didn't create structures to support the welfare of their subjects. And to be a British territory from the 1600s, 1640s, something I believe, as in 2000 […] To think that it took centuries to consider the people of the Overseas Territories as citizens. I think it says everything right there in terms of the legacy of colonialism and imperialism and othering. (Interviewee 10)

A similar account was given by a lawyer (Interviewee 19), and a political candidate (Interviewee 20):

> Interviewee 20: When we wanted a high school, the British told the BVI no. […] When we wanted a college, they told the Virgin Islands no. When we wanted an airport, they told the Virgin Islands no.
>
> Interviewee 19: What they happily gave was a prison.
>
> Interviewer: Why do you think that was, that they were so reluctant to give you those things, but they would give you a prison?
>
> Interviewee 19: Because historically they have- […] When they abandoned the Virgin Islands in the 1890s. […] There was only one European existing on the island in the 1890s, according to the historian from the college. They felt that it should only suffice as a bird sanctuary. They abandoned the territory and left it to its own.

The "bird sanctuary" and "offering nothing but a prison" discourses would regularly come up in informal conversations about the BVI-UK relationship as well. These accounts suggest that the period of general "neglect" of the OTs (Thorndike, 1989: 118) and arbitrary, fragmented governance arrangements (Hintjens and Hodge, 2012: 190), which lasted well into the 1990s, has had lasting ramifications for how the BVI-UK relationship is perceived. The metropolitan link may be important to the survival of key industries, as described by Interviewee 27 above, if the financial services industry remains dependent on e.g. the UK's international legitimacy. However, direct metropolitan support in development processes is described as historically and presently limited, and such processes are then largely viewed as detached from the metropolitan level.

This suggests that while the metropolitan link has provided certain valuable public goods, e.g. the "stamp of legitimacy that can come from

being linked to an established great power" (Rezvani, 2014: 49), the metropole itself has not been viewed as taking responsibility in regards to social welfare and development. In some respects, the legacy of "abandonment" was criticised, as showcased above. In others, the fact that the BVI had needed to rely on its own leadership to ensure funding and planning for development was described as having created "a place where we could foster our own economic growth" where "we've done that for the large part, and created our own cultural identity" (Interviewee 24). This demonstrates the link between the *social welfare and development* and *cultural integrity* elements of self-determination. Ideally, a metropolitan relationship should allow for autonomous planning and -acting (Nine, 2022) so that an NSGT people's cultural identity can be freely maintained and developed as described here, while still providing support and access to welfare.

6.2.3. Defining development

For Anguilla, being the smaller and more dependent territory,[70] stories of historical abandonment and -neglect were not prevalent in the same way. Instead, the metropole was described as having been involved in the territory's social, economic and environmental development. A downside of this (aside from the conditional support discussed above), however, relates to power imbalances in the setting of development goals and policies.

In previous studies, criticism against the argument that metropolitan affiliation benefits smaller island societies has been made on the basis of two observations: first, the benefits of affiliation tend to accrue differently to Indigenous vs other populations, disadvantaging the former, and; second, local or Indigenous concepts of development may differ from metropolitan ones, or from those used to generalise about positive outcomes in statistical studies (Androus and Greymorning, 2016). The latter in particular calls into question how "development"

[70] With the AI boom, however, the territory's ".ai" country-code internet domain has constituted an unexpected and significant stream of revenue for the Anguilla government (Bird, 2024).

should be defined and measured. A precondition for the social welfare and development element of self-determination is not simply that development, however defined, takes place, but that development is based on and consistent with the aspirations of the peoples concerned (Anaya, 1996). Related to this, an Anguillian HoA member described their experiences:

> I've become an environmental activist because I've had to say that the developed countries' definition of conservation is little to no interaction with the environmental source because they are the main persons who have exploited natural resources. When you come into these parts of the world and into smaller and developing states, our perception of culture is a sustainable interaction with and how we can continue our artisanal industries, but also monitor and manage whatever resource we're interacting with. (Interviewee 4)

The same interviewee continued to discuss the importance of OT perspectives being represented in the process of setting development and sustainability objectives:

> When you are trying to push any kind of policy, for example, if the UK decides that it's going to position itself as the country that does the most conservation in the world, it's that any work that they do in another country is already imbalanced because they'll be doing it to meet that goal, not the goal of the country. So, I've had to show where if there's any funds coming into a country where the intention is to support development processes, support your cause, the underwriting of that funding stream must represent two bodies. Otherwise it's severely skewed. And so, if you want to support conservation, there's nothing wrong with that, conservation is inherently a good concept. But if you support it from your point of privilege, then you're removing agency and opportunity from the country you're imposing it on. […] When we come from a mono-economy, and you're telling them to stop fishing because the environment needs it, you're telling the family to stop feeding itself. It's two different conversations. So, until you understand the reality of the country you're coming into, then this effort of environmental activism that you're trying to put on and saving the country, you are harming people […]. (Interviewee 4)

The same interviewee further stated that if livelihoods would become unsustainable because of such projects, "you have undermined sustainable development in an effort to achieve sustainable development," underscoring that "if we aren't here to tell you what sustainable development means for us and our culture isn't being represented, then what you're doing is a vanity project." Similarly, an Anguillian activist described how "they're coming to make sea beds and sea parks without talking to the fishermen so they don't even understand the reefs, how people live and fish for food […] I don't understand why you send these archaic laws down without first having consultation" (Interviewee 17). The same interviewee emphasised the need for legislation to "protect our customs, our traditions" so as to preserve the identity of the OT, which was tied to the view that "there is nothing wrong in preserving species, but you also have to look at balance and look at culture and traditions and you can do it in a way that is respectful to everyone, both the species and the people living there" (Interviewee 17).

An Anguillian former HoA member and opposition leader similarly expressed that for the UK relationship to be more equal, autonomy and "responsibility for the key decisions" would be required, along with "control of some of our resources" (Interviewee 22). On the latter, they specified the ocean and the "blue economy", pointing out that "fishing, now it's viewed again in the context of the British international agenda" with the metropole being "controlling, but not in relation to what our needs are, but their own needs" and the "maintenance of their image," echoing the points about metropolitan "vanity projects." These responses highlight the connections between the self-government, development and cultural integrity elements of self-determination, and demonstrate the importance of OT peoples being genuinely associated with the formulation of development projects and policies.

If metropolitan concepts of development differ from OT concepts and lifeways, this risks leading to outcomes that are not in accordance with OT preference and that are further perceived as threatening their cultural identities, unless their peoples are genuinely and effectively involved in decision-making processes pertaining to development,

land- and resource use. The discussion in this section reinforces the arguments made by Androus and Greymoning (2016), by showcasing how similar dynamics also play out in settings where the territory population is not recognised as Indigenous, but where it is still culturally distinct and where present relationships are the results of colonisation. It also demonstrates the value of Anaya's (1996) and Nine's (2022) perspectives on self-determination as requiring that the peoples concerned are genuinely involved in processes of setting and pursuing development objectives, and that they can recognise the courses of action as "appropriately their own." Statistical studies measuring development in affiliated vs independent islands would, once again, fail to account for this.

6.2.4. Metropolitan actions and natural resources

Several interviewees pointed to the fact that the OTs are home to much of the UK's biodiversity. Regarding this, a lawyer (Interviewee 19) and a political candidate (Interviewee 20), interviewed together, described:

> Interviewee 20: You have to recall that 90% of the United Kingdom's biodiversity exists in its Overseas Territories. Now, what does that necessarily translate to? Well, practically, they have tried to limit our fishing grounds. Well, the access to our own fishing grounds.
>
> Interviewee 19: They haven't *tried to* limit, they have.
>
> Interviewee 20: They have limited our access to the fishing grounds.
>
> Interviewer: How have they been able to do that?
>
> Interviewee 20: The Governor has set a limit on the amount of bluefin tuna we can catch in the waters north of Anegada, which are said to be a part of our economic zone. […]. And he did so without the consultation of the Minister…
>
> Interviewee 19: …or the people, or anyone here. And they have ascribed those benefits to themselves.
>
> Interviewee 20: Yes.
>
> Interviewee 19: So not only have they limited it for the Virgin Islands and that, they have ascribed the benefits to themselves, which simply

> is that, 'Look, you have no right over your own natural resources, we are going to take them.' Which is the very nature of colonialism. Colonialism is a system of exploitation of another people for the benefit of others. There goes.

Further context regarding this example is provided if one looks to the 2021 Commission of Inquiry (COI) hearings held with representatives from the UK and the BVI. During the 50th day of hearings, counsel to the Commission Bilal Rawat brought up limitations on fishing as a particularly significant example of "FCDO overreach" (COI, 2021: 174). The situation stems from the BVI and the UK's participation in the International Convention for the Conservation of Atlantic Tuna (ICCAT). With the EU's accession to the ICCAT, the UK became part of the European Community's delegation to the convention, with the BVI and other OTs forming a separate delegation with a separate catch limit up to 200 tons of tuna per annum, to allocate amongst themselves (ibid: 175).[71] However, following Brexit, the UK and OTs ended up with one single, common delegation with a single catch limit of 434 tonnes, with the UK being responsible for determining the division between Scotland, Wales, Ireland, England, the OTs and Crown Dependencies. The quota proposed by the UK Department for Environment, Food and Rural Affairs (DEFRA) for the BVI was 10 tonnes, however no agreement with OT elected officials was reached. During the COI hearings, Rawat described:

> Although discussions on the division of the quotas were not completed, on 28th June 2021, the Governor's Office wrote to officials at the Virgin Islands Department of Agriculture and Fisheries stating, 'If we do not hear from yourselves by the 30th of June, I will inform DEFRA that the proposed allocation [of 10 tonnes] is acceptable.' (COI, 2021: 176)

As no agreement was reached and no response received, Governor at the time John Rankin stated that his office had to assume the proposed quota to be acceptable (ibid: 181). This action was described by Rawat as unconstitutional, as fishing policies would have been for the Minister and Cabinet to decide, and indicative of a "lack of respect for the Virgin

[71] Other OTs were Bermuda, the TCI, St Helena, Ascension and Tristan da Cunha.

Islands," particularly given the fishing sector's importance for the territory. He concluded that imposing the catch limit unilaterally was "inconsistent with a partnership based on consultation and mutual understanding" and suggested that "the point that's made […] is the UK Government's priorities triumph over the Virgin Island's Government's priorities" (COI, 2021: 177).

In a 2021 letter to the COI, the BVI government stated that the UK government, in unilaterally reducing the OTs' catch limit for tuna, had "acted in a manner that may have ensured its interests but that was not in the interests of the Virgin Islands" (BVI Government, 2021: 10). On fishing, it further pointed out that the elected territory government had "a legitimate interest in preserving fishing opportunities for its fishing industry" and to promote this as a third pillar of the BVI economy[72] (ibid: 11) – something that has been previously iterated (BVI Government, 2016). The reduction in the tuna quota, from a possible 200 tonnes to be negotiated with three other OTs to a fixed 10 tonnes as determined by the metropole, was not compatible with these interests.

In the final COI report, however, Commissioner Gary Hickinbottom concluded that "the allegation of the elected Ministers […] has no possible foundation" (Hickinbottom, 2022: 656), given information shared by the Governor that the BVI had recorded zero tonnes of lawful tuna catch in recent years. The Commissioner further brought up general criticism that had been raised against the metropolitan Government and the Governor/former Governors, including elected ministers in the BVI stating that "the Governors and the UK Government have failed to respect the elected BVI Government, and thus failed to respect […] the principles of international law, including the right of self-determination" (ibid: 652), undermining the elected government and the territory's institutions (ibid: 676). He also highlighted that media as well as political figures in the territory "have suggested that the UK Government retains a colonialist mind-set – and wishes to maintain control over the BVI" (ibid: 677). Hickinbottom

[72] Tourism and financial services are currently the two main pillars.

concluded that these allegations were "very broad and, in places, somewhat indiscriminate and inchoate" (652), as well as contrived and unsubstantiated (676).

When discussing the COI, interviewees in the BVI stated that they were in favour of uncovering problems related to good governance, however the resulting report was described as "biased" with a "lighter touch for the institutions that fall under the Governor" (Interviewee 3), where "everything was just towards us," culminating in a "racist act" where "the inefficiencies of the Governor's office have not been addressed" (Interviewee 13). A lawyer described the COI process itself as an "inquisition" in that "we had no right to reply, no right to cross-examine" (Interviewee 19). The COI report and the resulting recommendation of suspending the BVI constitution are further discussed in Chapter 8, but from the above discussion it can be noted that much of the criticism directed at the metropolitan side were ultimately not portrayed in the report as having any significant substance or bearing on governance in the territory. This includes the decision to unilaterally impose a catch limit for tuna without reaching an agreement with the responsible Minister.

If one considers the aforementioned point that development of the fishing industry as a third economic pillar would be a legitimate interest of the BVI government, Hickinbottom's assertion that its allegations lacked "foundation" could be questioned. Even if it were the case that the OT had not recorded any tuna catch in recent years, the imposition of a catch limit would mean that prospects for developing this industry *in the future* would be diminished due to a unilateral metropolitan decision. Related to this, a BVI political candidate emphasised that "working towards self-determination" would indeed require development of the territory's industries, including fishing (Interviewee 26). In addition to being an example of metropolitan priorities taking precedence over OT priorities, this can then be considered as a violation of a people's right to participate in the use, management and conservation of the resources throughout their territories (Anaya, 1996), limiting opportunities for autonomous, long-term planning (Nine, 2022). While there may be advantages to maintaining a link to a

metropole as a smaller territory, this example illustrates how such relationships risk undermining self-determination if mechanisms to prevent such violations are not in place.

6.3. Concluding remarks

This chapter has considered experiences of metropolitan affiliation in the BVI and Anguilla, focusing on self-determination both in a more ideational sense related to identity and cultural integrity, and in a more material sense related to development processes and -outcomes.

In relation to cultural integrity, the observation was made that the ambiguous positions of the OTs have led to expectations that their peoples should identify as "British," while in many regards still being treated as foreign. In both territories, identification with the metropolitan state was described as nearly non-existent, and the importance of maintaining and developing the "Anguillian" and "Virgin Islander" identities was instead underscored. Institutions for self-constitution (belongership) currently exist to achieve this, meaning that OTs have managed to avoid many of the threats to cultural integrity highlighted by representatives from other NSGTs (discussed in Chapter 4).[73] However, fluid categorisations of OT peoples from the metropolitan side have led to situations where metropolitan officials have advocated for assimilation on the basis of the shared national citizenship (FAC, 2019a) particularly in the context of the Global Britain strategy. This, which will be discussed further in the next chapter, can be linked to different ideas about "the people" in turn giving rise to different interpretations of non-discrimination.

In relation to welfare and development and land and natural resources, the chapter has found that while metropolitan support has been considered important, particularly for Anguilla, it has also tended to come with conditions that have not been thought to be in line with OT

[73] E.g. a "colonial immigration policy" in French Polynesia; Davis v. Guam; the US Congress' rejection of a proposed USVI constitution that would establish special categories for "Ancestral/Native Virgin Islanders."

priorities and -interests. This includes the GST for Anguilla, and the post-hurricane loan guarantee for the BVI. For Anguilla, UK-initiated development projects were further described as having created a need for activism to resist processes thought to be "skewed," "vanity projects" and inconsistent with OT cultures and lifeways.

For the BVI, the legacy of being "abandoned" and having to find solutions for development without the direct support of the metropole has led to a sense of distance between the BVI and the UK. However, it has also seemingly avoided some of the problems described by Anguillian interviewees, in that development has mostly been pursued in ways that have not been viewed as threatening the cultural identity of the people. In some instances, however, metropolitan conditional support as well as overreach have impacted negatively on development and resource use, e.g. the rejected loan guarantee following the 2017 hurricanes, and the imposition of a tuna catch limit. These instances point to limitations of the PIT status (Rezvani, 2014) in ensuring self-determination.

Comparing experiences from the BVI and Anguilla, this also points to a form of trade-off, reflective of the "head versus heart" dilemma described by Veenendaal and Oostindie (2018). Here, an OT people can either pursue their own development (e.g. reject conditional support) and face hardships in doing so *but* be able to maintain their own cultural identity as described in the BVI case, or it can enjoy metropolitan support (which may in some cases be considered necessary, e.g. during crises) but then also face threats to cultural integrity as described in the case of Anguilla. Anaya (1996: 108-109) notes that the *social welfare and development* element pertaining to Indigenous self-determination entails that states should be responsible both for improving Indigenous peoples' conditions of life and for ensuring that programs are "established in cooperation with the indigenous peoples concerned and in accordance with their […] priorities." Further development should be "compatible with their cultural characteristics" (Anaya, 2004: 19). If this should apply similarly to colonised peoples, metropolitan support should not come at the expense of such priorities and characteristics determining what constitutes desirable development in a particular

context. This, then, highlights the need for dependency relations to allow for autonomous planning and acting, where support can be used to chart courses according to the values of distinct groups (Nine, 2022)

The nature and implications of territory-metropole relationships need to be considered in terms of: the extent to which OT peoples may make and act on decisions that considered appropriately their own (Nine, 2022); the extent to which metropolitan and OT concepts and priorities in regards to development align with or diverge from each other (Androus and Greymorning, 2016), and: who ultimately holds the power to set out courses for development and determine the use of land and natural resources. This relates to the *self-government* dimension of self-determination, and the following chapter connects the insights presented here to the political arrangements tying Anguilla and the BVI to the UK.

Chapter 7: Self-government and metropolitan affiliation

Chapter 6 described how contemporary metropolitan affiliation in BOTs is experienced with regards to identification and cultural integrity, as well as the free pursuit of development that would be in line with OT peoples' cultural identities. Perceived limitations and grievances in relation to self-determination were discussed, such as fears of assimilation, inequality, and metropolitan objectives taking precedence in development processes. Based on the observation that these limitations could often be traced back to the *self-government* element of self-determination, this chapter pays particular attention to the political arrangements tying the BVI and Anguilla to the UK.

Self-government is understood as the overarching political dimension of ongoing self-determination (Anaya, 1996; 2004), requiring both the maintaining and free development of autonomous institutions and the effective participation of (Indigenous, or NSGT) peoples in all decisions which affect them. Regarding the maintaining of institutions to enable distinct peoples to self-govern, an example listed by Anaya (2004: 41) is be the upholding of an autonomous political status for Native Hawaiians "for the natural evolution of Hawaiian culture" and for the protection of Hawaiian sovereignty and nationhood. The *Office of Hawaiian Affairs* (OHA), created in 1978 to advance education, health, housing, economics, land-use protection and self-governance for Native Hawaiians, would be another such institution. Initially, board members of the OHA needed to be Hawaiians, and voter eligibility also required Native Hawaiian status.[74] Restricting the right to vote, in this

[74] The term "Hawaiians" was here defined as "persons who has at least one ancestor in Hawai'i in 1778" (Pino, 2020).

case, was viewed as a way to resist US colonisation and ensure that the OHA was representative of the "distinct people" it was created to protect (Pino, 2020: 2578). This, however, was controversial, as demonstrated in the Supreme Court case *Rice v. Cayetano*. The case addressed whether the right to vote in OHA elections could be restricted to Indigenous Hawaiians, and in 2000 the US Supreme Court ultimately ruled that the voting restrictions were in violation of the Fifteenth Amendment as it constituted a "race-based voting qualification" and thus discrimination (ibid).

A similar reasoning was used in the more recent legal case of *Davis v. Guam* (briefly discussed in Chapter 4), where in 2011, Guam resident Arnold Davis filed a suit against the territory's government after having been denied from registering to vote in a political status plebiscite due to not qualifying as a "native inhabitant." The attorney representing Guam, Julian Aguon, defended the restriction with reference to the plebiscite being part of the territory's decolonisation process, "meant for a particular harm that was inflicted on a particular group of people" (Barnett, 2023). The Center for Individual Rights (CIR), representing Davis, held instead that the territory government's tactic was "the odious one of building a racial identity for a favoured 'native' race" (CIR, 2012). The case ended in 2020 with the US Supreme Court denying Guam's appeal of a 9th Circuit Court decision which had ruled in Davis' favour, on grounds of the qualification being in violation of the Fifteenth amendment.

As these examples show, the upholding of autonomous institutions may be challenged by the metropolitan state, particularly if they relate to control of the boundaries of distinct peoples. The retaining of such control, or the "ongoing process of constitutional self-creation" (Benhabib, 2004: 21), is considered a prerequisite for a people's self-determination, however in multi-people states it may also stand in conflict with liberal-democratic arrangements protecting the rights of individual citizens to inclusion (Spitzer, 2022). As Gover (2017: 471) points out, "[t]he rights of tribal nations to self-constitute […] are controversial precisely because they are difficult to reconcile with the equality-based principles that animate individual human rights."

Although the term "Indigenous" is sometimes used by individuals in the BOTs to self-identify, no BOT population is officially recognised as Indigenous. As one interviewee in the BVI described:

> It's a huge debate where the original argument is that we called ourselves Indigenous to the Virgin Islands, which we are not. I think there is only a few living persons who actually can claim being Indigenous, which are persons from Salt Island, a group of Arawak descendants who can claim to be Indigenous. But the whole idea of being Indigenous, it arose out of this need for us to maintain our identity. (Interviewee 8)

Still, the "arrivant" (Brathwaite, 1973) populations of many OTs do reside in their respective territories as a direct consequence of colonialism and slavery, and as Chapter 6 demonstrated, the maintaining of distinct rather than "British" identities is often considered crucial. While most cannot reasonably be said to have claims originating from a time *prior to* the establishment of the settler state (seeing as it, at least as concerns the Caribbean OTs, was the state and its use of slavery that forcibly relocated their ancestors to the territories), it can be argued that OT populations should make up a distinct category with similar rights to self-constitute, based on the circumstances by which they have come to inhabit their respective territories. The right to self-constitute as an ongoing process, then, becomes key to the self-determination of Indigenous and arrivant populations alike, but given the "in-between" status of OTs, this has given rise to conflicts in the metropolitan relationship.

When it comes to the effective participation of a people in all decisions that affect them, Anaya (2004: 52) describes this as including full participation in the "larger political order" of the encompassing state which has formed around an Indigenous people. This norm has given rise to, for example, ILO conventions requiring governments to hold consultations with Indigenous peoples regarding decisions that may affect them (Anaya, 2004). The following subsections discuss key aspects of the self-government norm and how it relates to affiliation. They cover: first, autonomous institutions, citizenship practices and self-constitution on the OT level; second, OT representation on the

metropolitan level; third, the roles and powers of metropolitan representatives (Governors), and; fourth, local OT governments.

7.1. Belongership, citizenship and self-constitution[75]

On the basis of the concept of a "global British family" and a "British people", the aforementioned 2019 FAC report controversially recommended that the institution of *belongership* be abolished, with the UK Government setting a deadline for when this should be achieved (FAC, 2019: 26-27). Somewhat similar to the *Rice v. Cayetano* and *Davis v. Guam* cases (although this was merely a recommendation by a committee consisting of metropolitan officials, as opposed to a legal case), the FAC report gave rise to tensions and sparked debates on democratic inclusion and collective self-determination.

Belongership is a local status which denotes that an individual has particularly close ties, and thus is considered to "belong," to a certain BOT. [76] In most OTs, some version of belongership has been in place for decades, although differences exist between territories in the provisions defining who has or could attain the status, or in terms of whether such provisions are set out in territory constitutions or in local legislation (Hendry and Dickson, 2018: 221). In brief, the status is held by persons deemed to have close connections to a specific BOT, which generally means being either regarded as "sufficiently indigenous" (by birth and/or descent) to that territory, or having been granted the status after going through a qualifying process (ibid). Qualifying processes vary between territories, but for "outsiders" there are typically lengthy residency requirements that need to be fulfilled before one may apply

[75] Parts of this section are based on a previously published article: Wangmar, Camilla and Ludvig Beckman (2024), "Excluding Citizens: Belongership and the Constitutional Demos in British Overseas Territories," *Ethnopolitics,* 1-19. https://doi.org/10.1080/17449057.2024.2355792

[76] It should be noted that in many BOTs, the terms "belongership" and "belonger" have been replaced with territory-specific variants such as "Caymanian," "Bermudian," etc. For ease of reference, I will use "belongership" to refer to any such local status used to confer political rights to a person due to their being considered as having sufficiently close ties to a particular BOT, in accordance with said territory's constitution or local legislation.

for belonger status, e.g. 15 years for Anguilla (Anguilla Constitution Order 1982), ten years for Bermuda, which also requires a "qualifying Bermudian connection" (Bermuda Immigration and Protection Act of 1956),[77] and ten years for the British Virgin Islands (BVI) (Virgin Islands Constitution Order 2007; Immigration and Passport Act 1977), although government policy has controversially doubled the duration to 20 years (Malone, 2023).

In legal terms, belonger status is not a national citizenship. Since the BOTs are not independent states they cannot confer nationality, and their national citizenship policies are dictated by the metropole. Nevertheless, the terms "belongership" and "citizenship" are commonly conflated (Konrad and Everitt, 2011: 299). This is understandable considering the fact that belongership does indeed confer rights normally tied to citizenship such as the right to reside and work without restrictions, the right to own land, and the right to vote and hold elected office. As the latter implies, belongership serves a function that mirrors that of national citizenship in regards to controlling the boundaries of "the people." This could be viewed as an important institution and a prerequisite for collective self-determination, but it is simultaneously seemingly at odds with ideas of a unified "British people," given that residency requirements also apply to British citizens. The institution of belongership could perhaps be considered in relation to the following argument by Bauböck:

> … if a substate region started to restrict local membership and voting rights to those born in its territory or to descendants of its current citizens and treated the citizens of the larger state as foreigners who have to apply for naturalization, it would in important ways act like a state and signal its desire for independence. (Bauböck, 2018: 65)

For most OTs, saying that there are currently any widespread desires for full independence would be incorrect. As demonstrated in Chapter 5, although shortcomings of present arrangements are recognised, fears

[77] A "person who can show that he has had an honest belief that he is Bermudian and who, in the Minister's opinion, has conducted himself in everyday life as Bermudian and has been accepted by the community of Bermuda as possessing Bermudian status." (Bermuda Immigration and Protection Act 1956, First Schedule A).

of full independence are still prevalent. Nevertheless, the OTs do indeed appear to "act like states" in regards to selection, with restrictive naturalisation criteria for the acquisition of political rights applying to all "outsiders" *including* citizens of the UK. This could be viewed as an autonomous institution which allows the peoples of the OTs to continuously and over time define their own identity and boundaries without severing their ties to the UK. However, contestations around belongership call into question the rights of affiliated polities to exclude metropolitan citizens. On the use of belongership in the OTs, the 2019 FAC report concluded:

> Belongership and its equivalents are wrong. While we recognise that the OTs are small communities with unique cultural identities, we do not accept that there is any justification to deny legally-resident British Overseas Territory and UK citizens the right to vote and to hold elected office. This elevates one group of British people over another and risks undermining the ties that bind the UK and the OTs together in one global British family. The UK Government should initiate a consultation with the elected governments of the OTs and work with them to agree a plan to ensure that there is a pathway for all resident UK and British Overseas Territory citizens to be able to vote and hold elected office in territory. […] the FCO should lay out a timetable for this consultation process and set a deadline for phasing out discriminatory elements of belongership […]. (FAC, 2019a: 26)

While it should be noted that the UK Government later expressed that it would not act on it (FAC, 2019b), the recommendation highlighted the fact that this institution could indeed be removed by the metropole. As a BVI lawyer expressed, the comments made by the FAC "demonstrate the possibility of change in the future. And that's what worries a lot of people" (Interviewee 8). When discussing the topic, many interviewees expressed that losing the ability to control e.g. voting and land ownership would be detrimental to self-determination. The way in which the FAC's recommendation had been made in spite of OT leaders' emphasising the importance of belongership during the consultations preceding the report was also questioned. A BVI political candidate pointed out:

> We are not being asked or discussed the question. They are just suggesting that they remove the things that give you your identity, your separate identity, and that we just remain within the space. And so, although they are requiring a referendum for independence, there is no referendum for assimilation and becoming part of the... you see the hypocrisy within the-... (Interviewee 24)

Of course, full integration into a state as a way to formally decolonise would require a referendum on political status, as well as the consent of said state. However, what the quotation above alludes to is the fact that the UK government could unilaterally "set a deadline" for the phasing out of belonger status, which would amount to assimilation in that the distinction between belonger or Virgin Islander status and UK citizenship would be erased, [78] giving all resident UK citizens the same political and other rights as Virgin Islanders and belongers in the territory. In the FAC's view, such assimilation would be desirable as belongership "elevates one group of British people over another" (FAC, 2019a: 26). In such an understanding, the use of territory-specific statuses becomes discriminatory, as OT and metropolitan populations are not conceptualised as different *peoples* but rather as different *groups of British people.* However, as discussed under 6.1., a vast majority of interviewees in both the BVI and Anguilla expressed that they did not identify as "British" and that maintaining their distinct identities was most central. Exemplifying this further in the context of the FAC recommendation, one Anguillian Hoa member reflected:

> Even the idea of 'Anguillian-' because Anguillian isn't a citizenship, but people ask, 'Oh where are you from?' You know, 'I'm Anguillian.' People will say that. Really and truly, Anguillian isn't a citizenship. You really should be saying 'I'm British.' But it's a social construct that we most identify with. And if you're completely taking out belongership or that idea of being Anguillian, it's like you are taking away who we are. And that, I can't support that because that is very, very important to who we are as a people. (Interviewee 7)

[78] "Virgin Islander" is a restricted category of belonger (see Hendry and Dickson, 2018, p. 222).

In this understanding, the idea of OT and metropolitan populations constituting different "groups of British people" is challenged based on the recognition that Anguillians tend to identify not as "British" but as a distinct people altogether. From this perspective, removing the use of belongership would be somewhat akin to removing the use of citizenship to regulate who has access to rights in an independent state.

This tension demonstrates the limitations of the idea of internal/external self-determination, being premised on the conception of "a limited universe of 'peoples' comprising mutually exclusive spheres of community (i.e., states)," as opposed to multiple, overlapping associational patterns (Anaya, 1996: 81). If one considers "peoples" as organised strictly into mutually exclusive states, determined by a shared national citizenship, it makes perfect sense to argue that all citizens within such a sphere should have equal rights to e.g. political participation. However, if states are instead viewed as possibly comprising multiple, distinct and overlapping peoples, each being entitled to self-determination, the justifiability of having the same political and other rights apply across the board becomes less apparent.

For self-determination to endure, it has been emphasized that "the boundaries of a people must remain under their control" (Spitzer, 2022: 5). Similar to what has been the case in US territories, however, different ideas of what constitutes "the people" in OTs rise to different arguments regarding the justifiability of restrictions on voter eligibility as well as land ownership. If "the people" is defined with reference to national citizenship only, belongership can be framed as discriminatory for its denying legally-resident UK citizens the same rights as belongers. If "the people" is instead defined in line with the sense of identification that interviewees in both Anguilla and the BVI expressed, where they may carry a British passport but nevertheless view themselves as "Anguillian" or "Virgin Islanders," belongership may instead be framed as a key institution for self-determination.

Boundary questions become particularly important for NSGTs where the decolonisation process is ongoing, as exemplified in *Davis v. Guam* putting a halt to the territory's decolonisation process as the planned political status plebiscite could not be held (Spitzer, 2022: 11-12).

Further, an NSGT people could be conceptualised as a *constitutional demos* (in that regard being similar to the demos of an independent state), given how elections and referendums in these territories may affect the future constitutional identity of the polity (Wangmar and Beckman, 2024). This gives additional weight to questions regarding who may vote or stand for office in these territories, on what grounds and according to whose rules, ideas or priorities.

Aside from having implications for who is included in the demos of each OT, belongership is considered to matter both in regards to land ownership and economic opportunity. When asked about what effects the suggested removal of belongerhip would have, an Anguillian lawyer and activist responded:

> On Anguilla, we are a predominantly Black people with a history which has told us how we have been disenfranchised, how we have been pillaged, plundered, suppressed. And the idea of reciprocity will just be yet another layer of that destruction of us as humanity.[79] Because remember, we are in this little island, which I explained, from an economic standpoint, we are already just on the outskirts. So, when you bring that first world who has come with all the benefits of an economic lifestyle that far surpasses us [...], and you bring them to our island, compete with us for the limited jobs and ability to grow and thrive on our own island. I think that it's obvious what will happen. It means again the destruction of our people and it means that we are not able. If we are transplanted into the UK, we will not be coming to the UK with the benefit of any kind of economic base that allows us to just naturally succeed. (Interviewee 15)

Here, it is not only the removal of the distinct identity that is highlighted, but also the removal of protections given the economic position of the OT in relation to the metropole. In other words, belongership relates not only to identification but also to material

[79] The 1999 White Paper *Partnership for Progress and Prosperity* explicitly stated that the granting of British citizenship to the OTs should be based on the principle of *non-reciprocity* so as to not "make possible an inflow of people on a scale that could dramatically alter the social cohesion and character of the communities" (FCO, 1999: 19)

conditions and opportunities. A BVI lawyer and author made a similar connection between belongership and economic opportunity:

> Belongership is tied to economics. And because we don't participate in the financial services industry as much as we should, and that's a $300 million industry out of a $400 million budget, but you can count the BVIslanders that have really been able to be lucrative, from the island. […] It's mostly expats. So, the way in which the BVIslanders participate is indirectly by being landlords, by building homes, by having land to sell. The moment you equate that, because most of us don't make the high salary, we're not going to be able to. And that is what is at the root of all this. (Interviewee 18)

The importance of Virgin Islands land being sold exclusively to belongers, with any other person holding property on a lease basis only, was also emphasised by a BVI lawyer (Interviewee 16). With this in mind, belongership becomes important not just in regards to retaining control over the demos in terms of political rights, but also in regards to the ability to determine who has access to certain economic opportunities as well as land ownership. The discussion here thus showcases the centrality of the self-government element and the upholding of autonomous institutions in relation to other elements.

Based on the possibility of belongership being unilaterally abolished by the British government, present arrangements can be understood as precarious (Nine, 2022) in depending on prevailing metropolitan ideas of legitimate boundaries. As noted in Chapter 4, BVI Premier Andrew Fahie remarked in 2019 that OTs needed "stronger constitutional provisions to shield us from the whims of the UK Parliament" (C24 regional seminar, 2019). In Nine's (2022) view of self-determination as functional autonomy, dependent relations only promote it if they allow groups to plan autonomously for their long-term development and goals. Therefore, they need to be non-precarious and not "unpredictable, fragmented and uneven" (2022: 192). If the metropolitan government and parliament may unilaterally alter or remove features of the territory-metropole relationship, OT peoples are unable to rely fully on those institutions ensuring their cultural survival and development well into the future.

The local statuses in OTs have, so far, proven to be more resilient to metropolitan removal than the aforementioned attempts in Hawai'i and Guam to restrict electorates (noting that the UK government did ultimately decide not to act on the FAC recommendation). Still, the fact that this was recommended by elected UK officials, even following a period of consultation with OT representatives during which the value of belongership was stressed, showcases the self-determination perils of in-between positions where competing ideas of "the people" exist. It further points to a need to consider how autonomous an institution really is, if it exists only for as long as an "external" government deems it legitimate.

7.2. Participatory engagement and the question of representation

Chapter 6 pointed to a lack of identification with the British metropole among Anguillians as well as Virgin Islanders. This observation also becomes relevant in regards to the question of effective participation at all levels of decision-making, another key part of the self-government element. A BVI lawyer elaborated on this, connecting the lack of a sense of British identity to the more divisive issue of parliamentary representation. Comparing the BVI to the US unincorporated territories and particularly the neighbouring USVI, they stated:

> If you go to the US Virgin Islands, they feel they are Americans, they consider themselves American, they are part of America. They send a delegate to Congress, even though that person doesn't have a vote, but they have an office in Washington, D.C. that actually participates. I think it was a moment of great pride for them when, during the indictment process of the former president, their delegate to Congress was one of the witnesses who actually read the charge against Donald Trump. […]. We don't have that. So, there's no real direct connection with the UK. They send a Governor to us and he comes and he sits with us, but we don't have that mutual relationship. There's no 'You send someone and we send someone,' there is no- […] We don't ever see ourselves as British. (Interviewee 8)

This points to a connection between representation and identification. The fact that a sense of British identity tends to be absent in these cases may thus partially be explained with reference to the lack of representation and a consequent limited ability to participate in the articulation of the "shared interests" that supposedly "bind together" the UK and OTs (HM Government, 2021: 13). The same interviewee stated that the current UK relationship could not be seen as equal or as allowing the BVI people to be genuinely associated with decisions affecting them, as "I don't see how it could be considered an equal relationship where you have the right to pass laws for us. We have no representation in the body that is passing laws for us" (Interviewee 8).

A BVI political candidate similarly pointed out that representation in the metropole would not only be crucial in terms of giving the OT a voice in decisions which affect them, but also in terms of building trust and reducing tensions in the UK-OT relationship:

> I liken it to the example of the federal government. They have the lady Plaskett representing the US Virgin Islands.[80] And there's a reason. And look at how popular she has been in the last 4, 5, 6 years. It is critical. It is critical. That is a very good example, and I do feel that we have to have a voice. If we are an Overseas Territory- every Overseas Territory should have a representative who is just designated for that purpose. […] It's critical, that's how you have a voice. And again, that is how you also get the people to have trust. So, a lot of the people who are now saying 'Oh, the UK, the UK,' they may not feel that way. (Interviewee 27)

If participation in the larger political order is considered, as Anaya (1996; 2004) suggests, key to effective self-government, the question of representation certainly becomes critical. As Clegg et al (2022) note, the fact that the BOTs are not represented in the UK Parliament, despite the British state having ultimate legal authority and coercive power over them, appears to run counter to commonly cited normative principles for democratic inclusion (e.g. *all affected interests* and *all subject to coercion*, both of which apply). With the present arrangement, OT peoples are subject to laws and decision-making processes in which

[80] Stacey Plaskett.

they have no constitutionally recognised role (Yusuf and Chowdhury, 2019b: 189-190). This appears incompatible with the principle that peoples should be "genuinely associated with all decisions affecting them" for ongoing self-determination to be possible (Anaya, 2004: 60).

There are, broadly, three arguments that can be derived from the interview data and the literature in favour of some form of representation, namely: the democratic (normative) argument that those affected by decision-making (all affected interests) or that those who are subject to the legal authority of the state (all subjected to coercion) should have a claim to representation of their interests when decisions are made (Clegg et al, 2022); the self-determination argument that distinct peoples ought to be genuinely associated with decisions that affect them at all levels to enable their self-government (Anaya, 1996; 2004), and; the more practical argument that parliamentary representation could lead to a greater sense of equality and partnership, and reduce distrust, between OTs and the metropole.

Particularly in the BVI, which is both geographically and culturally close to US unincorporated territory the USVI, there was a tendency among interviewees to compare the BVI-UK relationship to the USVI-US relationship when asked about representation. The fact that the US unincorporated territories' delegates to Congress do not have voting rights has been criticised, e.g. Lin (2019: 1250) points out that the territories are "subject to federal laws and regulations, but have no voice in their enactment" given their lack of *voting* representation as well as their exclusion from the Electoral College. Fuentes-Rohwer (2008: 1553) similarly argues that this arrangement places territory citizens in an indefensible position, with "no power to affect the very institution that holds full and complete discretionary powers over them." Bevacqua (2010: 300) describes how the non-voting delegates, with their lack of formal power, are often referred to as merely "elected lobbyists" - not to be counted among the real representatives, but rather existing "to be counted by those who are counted as real." Nevertheless, several interviewees viewed the US model as preferable to their own, referencing USVI delegate Stacey Plaskett as an example of what parliamentary representation could achieve in terms of improving

relationships and, most importantly, giving the OTs a voice in decisions which affect them (although it could be questioned to what extent this would be a *meaningful* voice, considering the abovementioned criticisms). Exemplifying this, a BVI activist described:

> I mean, to me it makes sense, right? Because it gives the UK a better sense of who we are, what's going on with us, and our needs. […] I know with the US territories, they have a representative in Congress. So- and she's there to fight for things for the territory and so forth. So, in terms of developing a new partnership with the UK, I think that would be an important point. And I think it's not only us that want that, but the other territories as well. […] I think most of the territory- and I'm going to say, the territories, if they're not going independent and looking for the self-determination of better partnerships with the UK, they want to be included in some level in Parliament. That's what I've gathered. (Interviewee 25)

Relating back to Chapter 5, self-determination is here again understood as theoretically possible to pursue within "better partnerships with the UK," however this would require inclusion in decision-making on the metropolitan level. Similarly, a BVI lawyer and author described how the lack of representation created a sense of the metropole dictating for the OTs without meaningful participatory engagement:

> I think the philosophical answer to it is that if they are going to have influence over BVI legislation, then the OTs should have representation in Parliament. It doesn't have to be one from every jurisdiction, but there should be representation. I don't know if that's likely to happen, but there must be a better way for us to agree on how we deal with these issues, as opposed to you just telling us, 'This is an Order in Council, this is what it's going to be.' (Interviewee 18)

Sentiments were similar among some of the interviewees in Anguilla, where a former HoA member and opposition leader stated:

> If you're going to be an Overseas Territory, and if you're going to have a relationship, then you need representation, absolutely. Independent, viable representation. I think that's so. But if you're putting that forward as an alternative to self-determination, I think it shouldn't water down that objective. But absolutely, there should be

> proper representation. And it should be elected by the people as well. (Interviewee 22)

The above quotation, while emphasising the importance of representation, also touches on the main line of criticism that interviewees who were more cautious of the idea of parliamentary representation would bring up, namely the risk of instead diminishing OT self-government and "watering down" the objective of self-determination. As one Anguillian academic, questioning whether parliamentary representation would really meaningfully change the nature of the relationship, asked: "Does putting on a fancy dress change what it is?" (Interviewee 2). In other words, the introduction of representation of the OTs on the metropolitan level could risk becoming a form of window dressing, obscuring the colonial nature of the relationship by formally giving the OT a voice in decision-making processes, while such a voice may achieve little in practice.

Discussing the representation of Indigenous peoples in national parliaments, Beckman et al (2022) highlight the limitations of such models with reference to the permanent minority positions of Indigenous populations and the consequent risk of being consistently outvoted, even on decisions that impact directly on those populations' special interests and rights. The same would arguably apply in the case of the OTs. Further, Clegg et al (2022: 249), comparing arrangements for the representation of various affiliated territories in their respective national parliaments, point to concerns regarding whether "the MPs are enough of a critical mass to be truly effective or if they are largely present in parliaments for 'symbolic' reasons." This becomes particularly troubling if such a, presumably "symbolic," presence contributes to the legitimising of further metropolitan intervention in the territories. As Suksi (2011: 139) points out, in federations where constituent states clearly share decision-making powers through their representation on the federal level, it becomes possible to "justify measures that the federal level takes in relation to the state level by way of joint measures in order to implement uniform national objectives." An autonomous territory which does not share such decision-making powers, on the other hand, "should also be able to expect that the

national government will not attempt to encroach into [its] sphere of competence." Several interviewees made points similar to this when discussing representation. For example, a BVI HoA member stated:

> When we start thinking about whether we actually be represented in Parliament, the question would be whether the United Kingdom Parliament would have any ability to make laws for us, which would be a concern to us. Because of course we don't want- We want to have a certain level of autonomy as it pertains to the law-making process. But if it's just a matter of having a voice in the House of Parliament advocating on our issues, you know, that is not a problem. But we would prefer to keep the autonomy of our law-making body and that representation in the United Kingdom does not, perhaps, maybe, give the message that the United Kingdom Parliament can legislate for us because we don't favour that. (Interviewee 9)

When speaking about views held in the wider group of OTs, interviewees differed significantly in their impressions of whether parliamentary representation was generally considered desirable. While some suggested that "I think most of […] the territories, if they're not going independent […] they want to be included in some level in Parliament" (Interviewee 25), others disagreed. An Anguillian former CRC member stated that "[i]t is violently opposed by every territory as far as I'm aware, certainly because if we are given that privilege then we inevitably will have to also accept the burdens" such as "the right of the British to impose taxes" (Interviewee 6).

While the UK metropole constitutionally has "unlimited power" (Hendry and Dickson, 2018) to legislate for the OTs, it has typically been hesitant to do so (an exception being SAMLA), presumably because it would be considered colonial to make laws for a polity whose people is not represented in decision-making processes. Introducing formal parliamentary representation may thus have the adverse effect of legitimising unwanted metropolitan interference. An Anguillian academic described: "when you're putting representation there, it might empower them to further… to interfere here," warning that "as it becomes more fluid, these are things that are going to seem right, and we may even be fighting for, you know, in ignorance, without

understanding what that actually means" (Interviewee 2). Similarly, an Anguillian former CRC member reflected:

> I am in two minds about that. Because if you expose yourself to representation there, there's always a reciprocal... I shouldn't say reciprocal, but rights here? That could be a hot topic. There's always been an argument similar to what takes place in the US Virgin Islands, where there's a representative in Congress, that can't vote. So why couldn't we have representation in the House of Commons without a vote? I have never seen the practicality of that making a big difference. (Interviewee 21)

In sum, the findings present and ambiguous picture when it comes to representation. On one hand, it appears crucial that OT peoples have a voice in decisions which impact on them, as the alternative of having no representation of their interests in such decision-making processes is incompatible with democratic ideals and, relatedly, creates a sense of being in a highly unequal relationship. A case in point would be the 2018 decision by the UK Government to legislate on the adoption of public registers of beneficial ownership by the OTs without their consent (SAMLA). In a statement presented to the Public Administration and Constitutional Affairs Committee (PACAC) in September 2023, the BVI Government described that "history has shown that where the interests of the UK and the VI diverge, the UK Parliament will legislate in the interests of the UK regardless of any detriment (potential or actual) to the VI" (BVI Government, 2023).

On the other hand, previous studies have warned that quotas for Indigenous peoples in national parliaments may not translate into any significant political power in reality (Beckman et al, 2022), and questioned the effectiveness of parliamentary representation for overseas territories (Clegg et al, 2022). There is thus a risk that an introduction of formal representation would amount to "putting a pretty dress on" a relationship that would remain fundamentally unequal in practice, and this might further legitimise intervention by the UK in the territories. The question that emerges, then, is: if formal representation in the metropolitan parliament is not sufficient, while there is clearly

still a need for the OTs to have a voice in decision-making processes which impact on them, how can this need be addressed?

7.2.1. Alternative forms of participatory engagement

When asked about whether OT peoples should be allowed to vote in British elections (as the decoupling of citizenship from such voting rights has been controversial in the US unincorporated territories, Fuentes-Rohwer, 2008; Lin, 2019, see also Chapter 4), most expressed that they did not view this as being desirable, or as giving OT peoples meaningful democratic influence. They expressed that while desires for representation existed among some OT inhabitants, "I don't think there's any appetite or there has ever been any appetite for us to have a vote in the UK" (Interviewee 8); "I really don't see anyone that is interested to vote in the UK" (Interviewee 1), "I don't think that Anguillians would feel that they should vote in British elections. […] I don't think that they would feel that way because there's no connection" (Interviewee 22). referencing the metropole and its politics being largely perceived as detached from the territories. One BVI academic, however, described the fact that the UK could legislate for the territories without them having a democratic voice in its political institutions as "an existential problem" and "a huge contradiction," but one that "doesn't always manifest itself from day to day" (Interviewee 10). They elaborated:

> How do you make that real to somebody who all they ever see is their local space and their local district and their local district representative? And it's also subsumed with survival and the issues that are facing you within that local space. You don't often have much time to think about it. […] While we don't exist in the UK psyche, the UK also doesn't really exist here, outside of the body of the government. (Interviewee 10)

This suggests that the sense of being physically and ideationally detached from the metropole leads to "contradictions" in the governing arrangements not being addressed, as issues pertaining to local districts are viewed by most as more relevant and pressing day-to-day.

On the topic of metropolitan referendums, and particularly the Brexit vote,[81] several interviewees expressed that the outcome of Brexit had significantly affected the OTs and that their peoples had generally been strongly against Britain leaving the EU. Still, while some believed that OT peoples should have been able to participate in the decision, many also questioned whether their votes would have made a difference given the OTs' small population sizes. Sentiments such as "I mean, I don't know what our 16,000 votes could have done" (Interviewee 25); "even if they included us we would have been so insignificant that it would have meant nothing. Our vote would have meant nothing." (Interviewee 6); "I don't know if just on raw numbers if the OTs would have had any meaningful sway. It would have been a gesture to how the UK viewed the citizens of the OTs" (Interviewee 10) were common.

In sum, while metropole's power to make decisions that would impact on the OTs without including their peoples in such processes (e.g. Brexit, SAMLA, possible constitutional suspension or direct legislation on belongership) was recognised as problematic, and while interviewees were divided on the topic of parliamentary representation, the idea of being included as equal citizens in UK elections and referendums was in many cases met with skepticism based on a sense of detachment as well as numerical inferiority. The latter reflects Beckman et al's (2022: 7) point regarding the participation of Indigenous peoples in the political institutions of encompassing states, i.e. that Indigenous peoples often "constitute permanent minorities and are as such unlikely to influence electoral outcomes in directions that reflect their interests and aspirations." This equally applies to OT peoples, making equal participation in metropolitan democratic systems questionable avenues for achieving meaningful influence. Still, the "existential problem" of being subject to legislation while lacking a democratic voice needs to be addressed. Since parliamentary representation alone risks becoming symbolic rather than an effective form of participation, and given fears that it would diminish rather than

[81] OTs, with the exception of Gibraltar, were not included in the vote despite being affected by its outcome (Bosque, 2020).

enhance the OTs' self-government, additional or alternative forms could be considered.

Commenting on SAMLA and the FAC recommendation to abolish belongership in a 2019 *BVI News* article, Special Envoy of the BVI Government and advisor to the Premier Benito Wheatley emphasised the need for some form of "constitutional safeguard for all OTs to restrain the UK Government and UK Parliament from arbitrarily legislating for the OTs without their consent" (Wheatley, 2019). He once again raised this point in 2020, referring to SAMLA as a "dangerous precedent" for UK interference and calling for a new constitutional settlement (Wheatley, 2020). One alternative could be to give the OTs special veto powers, as suggested by a BVI working group surveying public opinions in 2018:

> The Overseas Territories have no direct representation in Parliament which has ultimate authority over its affairs and can pass any law that can impact the Overseas Territories disproportionately […]. A modern relationship requires each OT with a representative government to have direct representation in a body that, until independence is obtained, can make any law it pleases. There was great support for the Overseas Territories legislatures to have a veto power over laws passed by the British Parliament affecting them directly in the same way that English MPs have a veto power over laws passed affecting England only […]. It is grossly unfair, undemocratic and inhumane to adopt such a principle within England but refuse to grant a similar power to the Overseas Territories who are far more removed and with less power and ability to be heard in London than any other group in the British Parliament who all went through a system of devolution. (Written evidence, 2018)

The above refers to the English Votes for English Laws (EVEL) procedures of the UK House of Commons, in place from 2015 and subsequently abolished in 2021. EVEL was developed as a response to the West Lothian question, i.e. the question of whether MPs from Northern Ireland, Scotland and Wales should be able to vote on matters affecting only England, and meant in practice that MPs representing English constituencies were given veto powers over laws affecting only those constituencies. One interviewee referenced this when discussing

decision-making on the metropolitan level, describing how the problem of England "having no say for itself as to what happens for itself" had been resolved through EVEL, and asking why it should be different for OTs where "someone can still pass laws for us" despite the lack of a role in such laws (Interviewee 8).

Giving the OTs similar veto powers could create conditions for more meaningful participation in at least some decisions, seeing as the problem of being in a permanent minority position and consistently outvoted would be addressed with such an arrangement. When it comes to, for example, the possibility of abolishing belongership in the OTs, bills relating to this could be certified as "OT-only in their entirety" (similar to the Speaker certifying bills as "England-only in their entirety" under EVEL) as they arguably do not affect metropolitan constituencies,[82] and OT legislatures could thereby be able to veto them. If a grant of veto powers for OT-specific laws were combined with formal parliamentary representation, it could serve to diminish some of the fears of increased, arbitrary metropolitan intervention. However, this would not encompass laws that apply to the UK and *extend to* the OTs, despite such laws having possibly far-reaching consequences for the territories (e.g. SAMLA).

In the academic literature on Indigenous rights, the incorporation of veto powers has also been identified as important for protecting Indigenous influence in decision-making processes, and for ensuring compliance with the principle of "free, prior and informed consent" (FPIC) as outlined in the UNDRIP. Shaw (2017: 232) observes that the "consent" part of FPIC has often come to be interpreted as mere "consultation", where governments "may listen to and address concerns within the Indigenous community without any clear obligations,"

[82] An exception would be, of course, a metropolitan citizen planning to relocate to an OT, who would then be affected in the sense that law-making in this area determines what rights they have in-territory. However, the same could arguably be said for laws passed under EVEL, as they would impact on anyone moving to England from a different part of the UK. It should be noted, however, that criticism was raised during the EVEL period about difficulties in delineating what policies would or would not have effects outside of England, where MPs from other parts of the UK risked being prevented from voting on policies that directly and legally applied only to England but that could also have indirect, consequential effects elsewhere (Gover and Kenny, 2016: 4).

whereas an incorporation of veto power into the FPIC would lead to more meaningful negotiation processes where Indigenous peoples are guaranteed real influence. Regarding criticism that has been voiced against such veto powers, Shaw (2017: 233-234) identifies the argument that an Indigenous group who may form a minority in a certain area should not be given such powerful influence over decisions that may affect the majority. However, this problem is arguably circumvented for OTs if veto powers are granted based on principles similar to EVEL, i.e. on OT-specific decisions.

To this discussion, it can be added that UK-appointed Governors hold reserve powers to grant or withhold assent to legislation proposed by the locally elected assemblies in OTs, which has been criticized for being used in practice as a form of "veto on any provision in any Act that they disagree with" (BVI News, 2021). This, coupled with OT peoples' lack of meaningful participation, exacerbate the image of unequal relationships, metropolitan domination and "dictating."

Other possible means of restraining the metropole from arbitrarily legislating for the OTs without their consent are found if one looks to frameworks for Indigenous self-determination, where e.g. ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries affirms that the governments of states which encompass Indigenous peoples shall "consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly" and "establish means by which these peoples can freely participate […] at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them" (ILO Convention 169, Article 6). Anaya (2004: 55) further points out that the convention stipulates that consultations shall be undertaken with the objective of *achieving agreement or consent*, which means that there must be a genuine opportunity to influence decisions and that consultations "cannot simply be a matter of informing indigenous communities about measures that will affect them."

In addition to these procedural requirements, it is also stipulated that consultations should lead to decisions that are consistent with Indigenous peoples' substantive social, economic and cultural rights. This, in turn, means that there is a burden on governments to justify, in a way that is consistent with international norms concerning Indigenous peoples, "any decision that is contrary to the expressed preferences of the affected indigenous group" (Anaya, 2004: 56). If this applied similarly to the OTs, the requirement of undertaking consultations in good faith and with the objective of achieving agreement could go some way to resolve the problem of arbitrary metropolitan legislation with no meaningful voice for OT peoples.

To this point, several interviewees, particularly in Anguilla, described how under the current arrangements, "consultation" was often understood by metropolitan officials as simply "informing" about matters which had already been decided upon. This was mainly expressed in relation to Governors, but also in relation to UK direct legislation. Commenting on SAMLA, an Anguillian journalist stated:

> We have no control, we have no power when it comes to that. But it's not a cool thing. I'm against that for sure. That they're sitting in London and passing such an Order and Council in Anguilla, you see, that is demeaning. And the British idea of consultation is not a whole lot of consultation. It is dictating. 'We're doing so and so here. We're doing this.' No real conversation, no communication, no negotiations with your leaders. That's what they do. And that decision is a classic example of that. (Interviewee 5)

In 2023, the Anguilla Government stated that "current constitutional arrangements appear increasingly antiquated," with reference to the lack of effective consultation between the UK and OTs creating a democratic deficit (Anguilla Government, 2023). Consultations between UK and OT representatives do take place and are included in key documents, e.g. both the BVI and the Anguilla constitutions include provisions for the UK-appointed Governor to consult with elected bodies before exercising their powers (Anguilla Constitution Order 1982, section 28; Virgin Islands Constitution Order 2007, section 40) and the 2012 White Paper on UK-OT relations *Security, Success and*

Sustainability states that "[w]here the UK Government is leading internationally on issues of concern to the Territories we will make every effort to ensure the territories are consulted and their interests defended" (FCO, 2012: 80). In the more recent Joint Declaration (FCDO, 2023), it was stated that the "UK will ensure there is, at a minimum, an effective mechanism to consult British Overseas Territory Governments in the exceptional cases when proposed new UK primary legislation would, when enacted, extend to the territories," signalling a willingness for consultation.

Still, interviewees described metropolitan interpretations of "consultation" as simply meaning *informing*. Exemplifying this, an Anguillian HoA member stressed the importance of definitions:

> A lot of the […] opportunities for collaboration are constitutionally defined as 'consultations.' And you and I may have a definition of consultations, someone else may have a definition of consultations. Within the constitution it's not defined, so it's loosely put there. And many Governors, I think, dating very far back, take that word to mean: 'I will let you know what the decision is before I let the general public know.' And one of the things that I am aggrieved with is, I have great discomfort in, is that culture plays such a significant role in where a country is going, how it gets there, and the speed at which it gets there. And when you have someone who is culturally insensitive to the realities of a country, and they have a level of absolute power, and you remove the liaison who is the democratically elected government from key decision-making opportunities, and reduce that to being told before the nation has been told, then I guess that, to your question, it undermines... […]. It undermines the powers, and then there's an inherent power imbalance. So, there is no equity or equality in the relationship. (Interviewee 4)

This illustrates the importance of the *self-government* element for peoples to be able to pursue their own development and uphold their cultural integrity within metropolitan relationships. As a problem in relation to this, it points to an idea that has evolved over time in the Office of the Governor ("dating very far back") that simply informing elected OT officials of decisions which have already been made

constitutes "consultation." This highlights the need for clear definitions, so as to ensure that OT peoples are effectively and not just symbolically involved in relevant decision-making processes. Such definitions could be inspired by frameworks for Indigenous rights, to include principles that consultations shall aim to achieve agreement or consent, and that they should lead to decisions that are consistent with OT peoples' social, economic and cultural rights, with extra burdens placed on states to justify decisions that are not (Anaya, 2004).

Such frameworks appear to already be in place for the Crown Dependencies (CDs). The position on the CDs is that "UK legislation rarely extends to the Crown Dependencies and should not be extended without first consulting the Islands' Authorities and *obtaining their consent*" (UK Ministry of Justice, 2014: 2). As demonstrated in the cases of SAMLA, the 2009 suspension of the TCI Constitution briefly discussed in Chapter 4, and the Order in Council authorising the metropole to suspend the BVI Constitution (further discussed in Chapter 8), such consent currently does not have to be obtained for the UK to legislate for, or have legislation extend to, the OTs.

Åhrén (2016: 135), however, expresses scepticism as to whether the right of consultation is really sufficient for the upholding of self-determination. While it provides that Indigenous peoples should be involved in relevant decision-making processes and that states should seek, in good faith, their consent before taking a decision which affects them, it does not ensure that they can in fact determine the material outcomes of such processes. If no consensus is reached between the state and Indigenous group, "the right of consultation always vests decision-making power with a party other than the indigenous people." Åhrén stresses that the right to self-determination is not merely the right to participate, but also to *exercise genuine influence* over decision-making processes (ibid).

Åhrén (2016: 139) further points out that given how the self-determination rights of Indigenous peoples must be reconciled with the self-determination rights of the populations of encompassing states, it does not appear reasonable to suggest that the will of Indigenous groups should automatically prevail in all cases of disagreement. For such

situations, he suggests a "sliding scale" based on the relative importance of the issue to the respective peoples, where "the more important the issue to the indigenous peoples' culture, society, and way of life, the greater influence the people should be allowed to exercise" (ibid). This would entail not only that Indigenous peoples should have far-reaching powers to influence decision-making processes that directly concern their territories and/or livelihoods, but that they should also have considerable influence over decisions that are not explicitly directed at their territories or livelihoods, but that still "have the capacity to result in negative impacts on such lands and livelihoods" (ibid: 141). If applied to the OTs, an example the former would be laws pertaining to belongership, which would be explicitly directed at the territories and impact significantly on OT societies. This would place it at the very end of the sliding scale where the OT people should exercise the most far-reaching decision-making power. An example of the latter, i.e. a decision that is not directed at the OTs only, but that could nevertheless impact negatively on their livelihoods, would be SAMLA. Using the sliding scale argument, OT peoples should then be allowed considerable influence over such a decision as well.

For the genuine participation of OT peoples in decision-making processes affecting them, it is also worth considering Mörkenstam's (2015: 641) view of self-determination for Indigenous peoples as being "primarily about levelling the balance of power" with the nation-states in which they live. This, in turn, requires that the relation between the people and the nation-state is "fundamentally a relation between political equals" (ibid), where negotiations between the two would be preceded by a recognition of their equal status and then be conducted in ways that would be akin to negotiations between sovereign states, "government to government" (ibid: 643), so as to ensure non-domination.

In sum, the interview data points to a need for the OTs to, in some way, have a voice in relevant decisions made on the metropolitan level. As argued above, solely having formal representation in the metropolitan parliament may not be sufficient, however. This section has therefore explored additional alternatives. Introducing veto powers for decisions

where the impact is limited to the OTs, similar to EVEL, may be one way to further strengthen the voice of OT peoples. Stricter requirements for consultations, similar to what is stipulated for consultations between state governments and Indigenous communities in ILO Convention 169 and the UNDRIP, could also lessen experiences of the metropole "dictating" rather than genuinely including OT representatives in decision-making processes. Alternatively, or as a complement, a sliding scale" principle could be applied, where a people's level of influence over a decision is determined based on said decision's relevance to the people (Åhrén, 2016). Further, negotiations and interactions should be guided by the principle that OT peoples should be recognised as equals in nation-to-nation relationships with their metropolitan states (Mörkenstam, 2015; Beckman et al, 2022), which would also entail stricter requirements against unilateral action.

Chapter 5 noted how the UK Government's consistent affirming of the OTs' rights to pursue independence risks legitimising current arrangements by construing them as voluntary, although they may violate both constitutive and ongoing self-determination. UN Resolution 1514 famously states that "[i]nadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence." I will argue, in parallel, that a promise of independence should not serve as a pretext for neglecting or delaying the development of mechanisms for OT peoples to be genuinely and meaningfully involved in decision-making processes that affect them at all levels, for as long as ties to the metropole are retained.

While the Joint Ministerial Council (JMC) does constitute a valuable forum through which OT and metropolitan officials discuss annually, this is not sufficient on its own to address the issue, raised by many interviewees, of OT peoples lacking meaningful participatory engagement. As the aforementioned BVI working group stated in 2018, the JMC "is no substitute for having the OTs as part of the dialogue and sitting at the table" when relevant decisions are made (Written evidence, 2018). NSGT peoples all have a right to self-determination, and such a right should arguably include some form of participation in decision-making processes affecting them as a minimum requirement

(the US model referenced by several interviewees, or perhaps even more the French model, could be viewed as at least providing some opportunity for this). However, beyond this it is also necessary to consider what *meaningful participation* and the possibility of actually *influencing outcomes* entails and requires.

So far, discussions on OT influence on the metropolitan level have been predominantly focused on parliamentary representation alone. While the alternatives listed here have previously been discussed mostly in relation to Indigenous- rather than NSGT self-determination, they provide fruitful avenues for discussions on what participatory engagement, and with that self-government, can entail in territory-metropole relationships.

7.3. The Office of the Governor

Governors are appointed by the British Secretary of State to serve as the head of government, ruling alongside the elected officials, in each OT for a limited period of time. Typically, Governors are responsible for "reserve matters" such as external affairs, defence, security, the police, public service and the disposal of Crown land (O'Brien and Clegg, 2023), and act upon the instructions of the Foreign, Commonwealth and Development Office (FCDO). They can also have significant law-making powers and typically hold the power to assent or withhold assent to Bills before they can become law (Loft, 2022: 6). In Anguilla, the Governor may declare that a Bill which has not been passed by the Assembly "shall have effect as if it had been passed," with any amendments, if they consider it "expedient in the interests of public order or public faith" (Anguilla Constitution Order 1982, Section 56). This similarly applies in the BVI in cases where the Governor considers the passing of a Bill "urgently necessary for the purpose of complying with any international obligation applicable to the Virgin Islands," however the VI Constitution stipulates stricter conditions for when such a declaration can be made, such a requiring the advice of the Cabinet (Virgin Islands Constitution Order 2007, section 81).

7.3.1. Accountable to whom?

Corbin (2012: 179) describes the UK-OT "dependency model" as one that "focuses on the metropole's direct role in the daily governing process via the reserved and other constitutional powers set aside for a governor, periodically dispatched from the metropole but not elected by the people." This model has been suggested to give rise to tensions between the Governor's role in acting in metropolitan versus OT interests (Island Rights Initiative, 2018: 15-16), seeing as they function as a link between the two – residing in the territory and ruling alongside its government while serving as an extension of the UK government. With Governors being appointed by the Crown rather than elected, questions of accountability and legitimacy in regards to their roles and powers tend to be raised in the OTs (O'Brien and Clegg, 2023).

Reflecting this, a majority of interviewees in the BVI as well as Anguilla described the present governing order as lacking in terms of accountability, with significant power being located in an unelected, metropolitan representative. Governors have been suggested to wear "two hats," in that they report to the Secretary of State, while also heading OT governments (Hendry and Dickson, 2018: 38). Many interviewees, however, emphasised that the Governor is in fact solely accountable to, and represents, the metropole. A BVI lawyer, exemplifying this, expressed that "the Governor is not subject to […] the wishes of the local population" in that "he or she operates under dictates of the British power […] which is largely self-centred" and "not concerned with the development of the local people" (Interviewee 19). The same interviewee elaborated that "being unaccountable, and largely unfamiliar with the culture and the history of the territory, is not someone who is best suited to lead."

Here, two main problems emanating from the Office of the Governor are identified: first, the lack of accountability that was similarly highlighted by many other interviewees (structural problem), and; second, a disconnect in terms of culture and a lack of knowledge or concern with the the local people (cultural problem). The latter was

similarly described, and elaborated on with reference to the colonial history, by an Anguillian activist:

> You look at our constitution to begin with. Even when you find the power, you go immediately to the powers of the Governor. Right? That's the source of my grief, my serious objection, that in 2023 no human being like myself, moreover being white, should have that kind of power in my country. None! […] They too, they are not infallible. They are not infallible. And hence, my reason that they should not possess that kind of power in my country. You cannot identify with my culture and my way of life. You are alien to my culture. You have no sensitivity to my race and my history. You have been the colonizer. […] You've exploited me and my forefathers for centuries brutally so as well- and as a result of that exploitation of my forefathers' labour, you have built up your economy in Britain today. […] What have we gotten in return? Our- their slave owners, our once slave masters, were compensated for the loss of their cheap labour. (Interviewee 23)

In regards to the more structural problem, a BVI political candidate expressed that an elected Governor would be preferable, since this position held "quite an amount of power" and responsibilities for the public service and security, meaning that "when it comes to the security aspect of a country, we basically have no say" (Interviewee 26). Elaborating on the process of appointing Governors, they further described: "we have no say in who the Governor is going to be, we just know right before the Governor's tenure is over, you get a name, you know 'This next person is coming.'" Speaking on the effects of having an appointed Governor, a BVI HoA member stated:

> We're able to manage it right now, but it's not ideal because of course the Governor is unelected and therefore he's not accountable to the people, and that can in my view affect decision-making in the areas of responsibility that he has. He's responsible for security, internal and external, and there's the need for accountability in those areas as well - being accountable to the public. He's responsible for the civil service. The civil servants need to be able to know that they have a voice and that there's some level of accountability to them as citizens. So that doesn't exist, which lends itself to, in my view, potentially dictatorial behaviour. So that's a challenge for me. And I think in

> some of those areas we have to look towards eventually having those areas fall under a locally elected government in some way. Or to have some level where the people can hold the Governor and those who fall under him accountable in some way. (Interviewee 9)

In a BVI Constitutional Review Commission report published in 2023, detailing the views expressed during consultative sessions with the public in 2022-2023, it was noted that "members of the public largely commented on the general desire to see the powers and responsibilities of the Governor scaled back in favour of more sharing arrangements with the Premier and/or requirements for prior consultation with the Premier" (Penn-Lettsome, 2023: 68). For Anguilla, this has similarly been highlighted as a key desire among the public on several occasions when territory representatives have discussed the present arrangement. For example, Anguilla representative to the C24 regional seminar in 2012, Josephine Gumbs-Connor, stated that the public's desire for "a serious reduction in the powers of the Governor" had been a central theme in recent media debates. Anguillian Minister for Home Affairs Kenneth Hodge, addressing the C24 in 2022, similarly stated that "there is the expressed desire of Anguillians to have more authority vested in the elected officials" (further discussed in Chapter 8). In other words, the desire to have more powers located in the elected territory governments has been evident in both OTs. In both cases, these arguments have been made with reference to democratic deficits and a lack of accountability.

The accountability of Governors was also an issue discussed during the BVI Commission of Inquiry (COI) hearings in 2021. Then Governor John Rankin responded in the following way to Sir Geoffrey Cox's (appearing for various BVI Ministers and public officials) pointing out that, unlike the elected government, the Governor is not subject to any democratic pressure:

> I am bound by the Constitution and constrained by the Constitution. I am subject to British Virgin Islands law, like any other person in this territory. I can be sued. I can be judicially reviewed. I can be questioned in Cabinet as to the positions which I am taking. I can receive questions and queries and challenges from Members of the

> House of Assembly who may write to me or, indeed, from The Honourable Speaker. […] I'm also accountable to the court of public opinion and by a free and independent media. So, while I am not democratically accountable like a Minister is to the House of Assembly, all of those are ways in which I feel I can be held accountable and indeed am held accountable by people here in BVI. (COI Hearing Day 55, Transcript p. 19)

Here, Rankin lists several mechanisms through which he argues that he is in fact held accountable by the OT's people, including media scrutiny, communication with elected HoA members and the Speaker, and the judicial system. In this understanding, the view that the Governor's role is devoid of accountability is rejected, and the unelected position is thereby defended. However, the response by Cox highlights the importance of democratic accountability specifically:

> If there were no point in democratic scrutiny, we wouldn't have democratic systems, would we? While you obviously put up, and I fully accept that you're judicially reviewable in decisions you've taken, the jurisdiction, and no doubt the press will from time to time write. The reality is you are not subject to the day-to-day transparency and scrutiny of proper democratic accountability. (COI Hearing Day 55, Transcript p. 20)

This view was shared by a majority of interviewees in both Anguilla and the BVI, recognising the lack of democratic accountability on the part of the Governor as a key shortcoming creating an unequal relationship. For example, on the experience of being governed in this way, a BVI activist expressed:

> It's a challenge. I mean, a typical administration does not have those types of divisions. So, it is totally dependent on having a close working relationship with any sitting Governor. But the Governor is not held accountable by the people for the simple fact that he is not an elected official. And so, it becomes- the onus is on the elected government to maintain a good relationship. And of course, if one party in a relationship is not interested in maintaining the relationship, or has no consequences for maintaining a good relationship, then the outcome is inevitable. So, I think that's one of the challenges that we face. Because for any administration to really

> be able to do anything, they have to maintain a good working relationship with the Governor. But the Governor has no obligation. (Interviewee 1)

An Anguillian journalist further described, on the question of the sharing of powers between elected leaders and the Governor:

> I'm having great difficulty now as an adult because growing up around here, it didn't dawn on me as hard as it has in recent times. It has struck me quite hard, you know. We elect a government every five years in Anguilla. In those cycles, we go, we campaign, we elect a government. But the true power lies in the hands of the Governor. The Governor can veto our elected official decisions, the Governor sets the agenda for executive council meetings, the Governor have a lot of say. [….] It's not a true partnership but the Governor have the power. Our people are for the most part figureheads who can do certain little things here and there, but the real power is vested in the hands of the British. (Interviewee 5)

In April 2023, the UK House of Commons Public Administration and Constitutional Affairs Committee (PACAC) opened an inquiry titled "The Status of the UK's Overseas Territories in the 21st Century," asking whether present constitutional arrangements were "fit for purpose". The committee received 80 submissions of written evidence from experts, OT governments and civil society organisations. In one submission, the organisation *One VI Agenda,* aimed at promoting self-determination for the BVI, expressed that current arrangements were "certainly NOT satisfactory in the 21st century" in that they offered a "second-class citizenship," devoid of democratic principles, that would not guarantee OT peoples' human rights (One VI Agenda, 2023):

> The language contained in the constitution of the Virgin Islands for example reinforces a colonial link to the UK, vesting all Executive Authority initially in the British Monarch, His/Her Majesty through the Governor of the Virgin Islands. (One VI Agenda, 2023)

The BVI Government argued similarly that "the UKOTs including the Virgin Islands (the "VI") are consistently referred to in UN decolonisation discourse as '*essentially self-governing*' even though the UKOT dependency model does not rise to the level of full self-

government," for example given how powers had been delegated rather than devolved to OT governments (BVI Government, 2023). It also emphasised "[t]he unilateral authority of the UK acting through its appointed governor in accordance with the respective constitutional orders, or through direct legislative intervention" as a key shortcoming (ibid). In the same vein, the Anguilla Government stated:

> The Governor's powers should be consistent with the key tenets of modern democracies, and in particular must not undermine democratically elected Governments. There is concern that the Governors of territories may use their powers arbitrarily without consulting democratically elected officials. There have been occasions where this occurred in Anguilla over recent years with detrimental consequences for core policies such as economic development and environmental sustainability. Governors should not have the right to exercise their powers such that they override the will of the elected governments of the territories. Moreover, Overseas Territory governments should play a role in the appointment process for Governors. (Anguilla Government, 2023)

The above demonstrates, once again, how violations pertaining to the *self-government* element also lead to violations of other self-determination elements, such as *social welfare and development*. It also demonstrates that the role of the Governor is perceived as being at odds with democracy, with elected governments becoming subservient to the metropole. Given how the OTs presently lack representation and influence on the metropolitan level, the appointment of the Governor also becomes an entirely external process.

7.3.2. Formal and informal governing

As mentioned above, Hendry and Dickson (2018: 38) describe how OT Governors are often considered as wearing "two hats." A majority of interviewees understood the Governor's main function to be the protection and promotion of British, rather than OT, interests, making one "hat" significantly more of a priority than the other. Relatedly, many described the governing of their respective territories, with power being shared between the elected government and the Governor, as

consequently based on two, sometimes opposing, agendas. Exemplifying this, a former HoA member and opposition leader in Anguilla described:

> There's the British bit and the Anguilla bit. And it's really, the Governor is the British bit. And only to the extent that you might have a Governor that is more Anguilla-focused, that you might have some engagement, typically it's a British agenda and that person is just there for that purpose. (Interviewee 22)

Aside from the lack of accountability discussed above, this quotation speaks to another theme that emerged from the interview data, namely the informal and person-dependent aspects of the relationship. Even though it is "typically a British agenda," the quotation highlights how there is also the possibility for more engagement if the Governor is "more Anguilla-focused". Several interviewees pointed to the personality of the Governor, as well as the personalities of local, elected government officials and how they would interact with each other, as a key factor affecting how the relationship is perceived. For instance, an Anguillian HoA member described:

> I think over the years, we've had a combination of very good relationships with some Governors, like the previous Governor[83] […] He […] would have kept a very good working relationship even when the government changed, still maintained a great working relationship. You had other Governors who had very adversarial relationships with the city government, not necessarily always because of the Governor's fault. Sometimes the elected officials themselves were adversarial. And then so, it led to clashes on issues, it just led to overall poor working relationship, which obviously spilled over into civil society. And so, a lot of the time it has always been dependent on who the Governor is and their temperament and personality, but also who the leadership is and how they engage with the British government. You know, you might have an adversarial relationship if every time an elected official goes on the radio they talk about the British, 'the British, the British is doing this, and the British is stopping us, and we can't get anything done.' Obviously,

[83] Tim Foy, described by many interviewees as someone who had genuinely cared for the OT and helped secure crucial funding.

> the representative of the British, who is the Governor, will probably take offense to that, and that will affect-, naturally as humans, that will affect the working relationship that you have with that person. So, I think largely the UK, the relationship with the Governor and the local government has come down to the actors involved and the personalities involved. (Interviewee 7)

Several interviewees described ever-present frictions, sometimes even high levels of hostility, in the relationship between these two arms of government. Exemplifying this, a BVI lawyer pointed out how Premier Dr. Natalio Wheatley had been criticised for taking a more conciliatory approach to the Governor than previous elected officials, leading to a situation where "people see him as weak because of him not stepping up." (Interviewee 8). They further described how previously, fighting between elected officials and Governors had usually been highly visible. On the history of the relationship, they described:

> Going all the way back to 1994 with Lavity Stoutt,[84] the battle lines were drawn. People saw Lavity Stoutt as strong because he would take on the Governor and he would stand up. […] It was always- it has always been [like a battle]. But it has never been as pronounced and as in the face of the people as happened in 2017 […]. We knew that Lavity was fighting, but it was always coming off as he was fighting for the people and it was never a personal clash. You didn't see the personalities. Since 2017, the personalities came to life, and there were some very big personalities. The then Speaker of the House and Jaspert.[85] Jaspert had a very big personality himself. He was always out in the public sphere. And his visibility caused friction with the elected officials, who saw him, said, 'You're not elected, you shouldn't be as visible as we are.' And then in 2019, the Premier that came in then, he had a huge personality and that just clashed. It was just- it was in the public's face. (Interviewee 8)

This point to a history of more or less public "battles" between elected officials and Governors, where personalities play a significant part. The same interviewee described how then Premier Andrew Fahie would

[84] First and longest serving Chief Minister of the BVI.
[85] Augustus Jaspert, Governor of the BVI 2017-2021, succeeded by John Rankin (2021-2024) and later Daniel Pruce (2024-).

publicly read "strongly worded letters" between him and the Governor with the conflict becoming "really bad," owing to personalities as well as conflicting views on the proper role and conduct of the Governor:

> It was always the local government trying to make it clear, 'Look, we are elected by the people, this is what we want, this is how we're going to do it, keep out of our business.' He was literally at every event we go, you're seeing Jaspert. And I personally think that's wrong, personally, because as an unelected official, you shouldn't be upstaging elected officials. He was basically a politician. Jaspert was a literal politician. He was out there and that was not going to sit well with the actual politician. (Interviewee 8)

The above points to a situation where the role of, and expectations on, the Governor appear quite unclear. Another interviewee, a BVI journalist and activist, described the same Governor (Augustus Jaspert) in a more positive sense as one of the only working Governors that "didn't just come on vacation," in that he "got himself entrenched in the territory, what was going on, asking questions, talking to everybody" (Interviewee 25). In other words, such active behaviour can be perceived as either genuine engagement, or as "upstaging elected officials," making the question of what constitutes appropriate conduct difficult to answer.

It is clear, however, that having power and government responsibilities vested in a position that is not elected creates difficulties in regards to cooperation, where the Governor has "no obligation" to maintain a good working relationship (Interviewee 1), and where the elected government may view their actions as illegitimate precisely because they are appointed in a metropole where the OT people lacks voice. An example would be when former BVI Governor John Duncan (2014-2017) used his constitutional powers to force the BVI Government to allocate additional funding to law enforcement and legal services, a move which "angered many local politicians" (BVI News, 2017) and was described as a "disheartening step backwards towards colonialism" as "the democratically elected government is there for a reason" (BVI Beacon, 2017).

In a Virgin Islands News Online (VINO) article from 2017, HoA member Julian Fraser was quoted, stating that there was "absolutely no reason at this point of our development for us to have a Governor who behaves the way this Governor behaves" and that "in this stage, in 2017, the Governor should be seen and not heard, seen only when is necessary" (VINO, 2017). This case highlights that while the Governor has formal powers to e.g. enforce changes in budget allocations, the use of them tends to be perceived as illegitimate and be contested in practice as a result of the unelected position. Fraser further expressed that "the Governor's actions would not have been tolerated under the administrations of Hon Ralph T. O'Neal OBE and the late H. Lavity Stoutt, suggesting that Premier Smith was a weak leader" (ibid),[86] which echoes Interviewee 8's description of how local leaders tend to be perceived as weaker or stronger based on their abilities to keep the Governor at bay.

Aside from longstanding battles and frictions, an Anguillian former CRC member offered a different perspective on the informal aspects of the Governor's role. They stressed that the both legal situation and what happens in practice must be considered, as these things are "totally different, totally separate," where the constitutional, "official situation is that the Governor has unrestrained powers of government in Anguilla," being able to appoint government ministers and even suspend the territory constitution (Interviewee 6). They further described that the Governor was not obliged to take the advice of locals when making decisions for the territory, "but the Governor does in practice." They stated:

> The Governor even has appointed advisory committees for things that are not mentioned in any law or any Constitution. For example, the magistrates, the Attorney General, the Crown Council, the legal officers of the government. The Governor always appoints a small committee to advise her and she follows the advice. I have personally been on such a committee where the Governor wanted to appoint a particular person as the new Commissioner of Police but the local members of the committee thought that that was a bad choice. […]

[86] Orlando Smith OBE, Premier of the BVI at the time.

> And when we told the Governor that we did not agree with her, she accepted. She said 'Well, then I am outvoted,' so she voluntarily agreed to the recommendation of the local members. (Interviewee 6)

In the above example, the Governor would not have any legal obligation to consider, much less act on, the preferences of the advisory committee. However, according to the interviewee this still happened in practice. This exemplifies how (perceptions of) the role of the Governor may be contingent on factors and practices not formally defined or identifiable in the constitutional provisions of the relationship, and how working relationships in reality tend to become person-dependent. Regarding the risk of metropolitan domination, often cited as a main reason as to why affiliation tends to give rise to dissatisfaction (Veenendaal, 2015; Ferdinand et al, 2020) , this could be viewed as a positive thing - even where the Governor has no legal obligation to take local views into account during decision-making processes, making the structure of the constitutional, formal relationship highly unequal, the example given by Interviewee 6 demonstrates that they still tend to do so.

This practice could be considered an informal institution, typically understood as unwritten "rules of the game" in a given context, such as norms of appropriate behaviour, traditions or conventions (North, 1990). Such institutions are thought to evolve and change very slowly in comparison to formal institutions (e.g. laws) which "may change overnight as the result of political or judicial decisions" (North, 1990: 6; North 1992). The practice, of course, does not change the unequal nature of the formal and legal arrangement, but the norm of appointing local advisory committees would arguably serve to make the lived experience of being governed in this way less of an experience of outright domination. If OT actors are, in practice, involved, listened to and (as in the example above) even given voting powers in decision-making processes initiated by the Governor as a result of informal institutions, what is the harm in the Governor formally having supreme and "unrestrained powers of government"?

On the other hand, person-dependence in combination with a formal, legal relationship that is still unequal and lacks clear definitions, creates

uncertainties. For example, just as it has been pointed out that an overreliance on formal indicators of democracy (e.g. Freedom House) risks obscuring the informal, sometimes much less democratic, practices and features of political life in a particular setting (Veenendaal, 2013), a reliance on informal norms and practices may divert from fundamental democratic deficits and injustices present in formal arrangements. As one Anguillian academic expressed when discussing the power of the metropole to dictate the territory's development: "It comes down fundamentally to our constitution" (Interviewee 2). They elaborated, on the risks of legitimising relationships that were still colonial:

> I think because colonialism is cloaked in the civility now that, you know, when they put a pretty face on it or they're like 'Okay, you can do this.' It's like, you know, that it's okay. And a lot of us are like, you know, 'That Governor's a nice person' or whatever. I don't care. Yeah, she's a nice person, but she will follow the line, that's why she's here. (Interviewee 2)

This quotation highlights the importance of formal arrangements. The Governor may be a "nice person," and they may even act in accordance with informal norms and thereby involve local actors in decision-making to a greater degree than what is legally required. However, they are still only accountable to metropole rather than to the local populace, and should they (or one of their successors) suddenly opt to exclude local actors from decision-making processes there would be no constitutional provisions to prevent that. Thus, the Governor being perceived as "nice," and the relationship between them and local leaders and electorates as "civil," could risk obscuring the colonial and undemocratic features that still prevail in the legal arrangement. The discussion under (7.2.), about Governors interpreting "consultation" as simply "informing," further points to a need for better defined and (formally and constitutionally) equal relationships to ensure meaningful participation in relevant decision-making processes.

7.4. The elected government

Anaya (1996: 109) identifies the core of the concept of self-government as consisting in the idea that government is to function according to the will of those governed. Thus, the concept "stands in opposition to institutions that disproportionately or unjustly concentrate power in the reins of government, whether the concentration is centered *within* the relevant community […] or *outside* of the community" (ibid). The above sections have discussed ways in which UK-OT relationships lead to a concentration of power *outside* of OT communities, e.g. pertaining to the powers of appointed Governors; the power of the metropole to legislate directly for the territories, and; the lack of voice and influence for OT peoples in such decisions. However, for an analysis of self-determination in these settings, it is also important to consider the extent to which the elected government functions according to the will of those governed by it. Regarding this, several interviewees in the BVI as well as Anguilla identified corruption and a lack of transparency as important factors limiting the people's abilities to be effectively involved in decisions impacting on them on the territory-level. Exemplifying this, and Anguillian former CRC member described:

> The government of Anguilla, for several generations, has worked on the principle that the less you, the government, tell the people about what is going on, the easier it will be to govern them. The more you tell them about what the issues are and the more you consult with the public, the more difficult it will be to govern them. Because they will be full of opinions and there will be a lot of disputing and noise. If they don't know, then they can't interfere. So that is the system that we have. So, Anguillians only participate in the affairs of the island once every five years when we vote. And the government usually has made so many mistakes that we always vote them out and bring in a new one, which does the same thing all over again. (Interviewee 6)

This sentiment was shared by an Anguillian activist, who further brought up the metropole's role in failing to promote good governance:

> There's no accountability. The lack of transparency. All these things make us so vulnerable and weak as a small nation, and they know all these things because under their stewardship nothing was put in place properly for the people. So, they don't get a pass. (Interviewee 17)

In an essay published on May 20th 2022, former High Court judge and CRC member Don Mitchell noted that Anguilla's institutions for ensuring good governance were weak, with e.g. watchdog institutions being absent from the constitution. While stating that political independence from the UK "must be our ultimate objective if we are to have any national identity and self-respect" (Mitchell, 2022), he also pointed out that immediate independence for Anguilla did not find favour with any majorities in the territory, attributing this to local governments' difficulties in living up to standards of good governance over the past 40 years.

In Mitchell's view, good governance would require legally binding rules and institutions setting out "the parameters of the behaviour we expect of those we place in office to rule over us", such as a Complaints Commissioner, Human Rights Commission, Integrity Commission, registration of interests, and better regulation of public finances. In the absence of legally protected rules and institutions, he emphasised, it would be easy for "those who with impunity use public office to enrich themselves and their friends to the cost of the public purse." (ibid). This reasoning is reflective of what several interviewees pointed out regarding the abilities of OT peoples to participate and be involved in relevant decision-making, both in Anguilla and the BVI. When asked whether they believed that the people of their respective territories were sufficiently involved in decisions which impact on them, a majority if not all interviewees said "No" - often with reference to the local government as well as the lack of voice in the metropole. Even interactions between OT and metropolitan officials were described as lacking in terms of transparency, as described by an Anguillian activist:

> Even when our officials travel from the British Overseas Territories to the United Kingdom on the taxpayers' dime, we do not get a debriefing of what was discussed, when it was discussed, who it was discussed with, what were the salient points, what was agreed upon, what is the timetable for this agreement to be put in place, why is it necessary, how will it fundamentally change the people. We get nothing. We find out about these things months and years later through leaked documents after everything has been enacted and that's democracy? (Interviewee 17)

This was similarly highlighted in the BVI, where a 2023 Constitutional Review Commission report stated that during the public sessions and meetings leading up to its publication, "[o]ne of the most significant concerns raised was the lack of transparency, accountability and public consultation in the development of public policy, and the administrative and legislative processes" (Penn-Lettsome, 2023: 18). A political candidate in the territory stressed that "we need to be more accountable, we need to be more transparent, we need to understand that politics are about people and service to humanity. […] Nobody wants to be addressed as these elephants in the room and we keep blaming the United Kingdom" (Interviewee 27). This implies that with the in-between status, it becomes difficult to establish from what level governance problems are stemming, where a lack of democratic accountability on the side of the metropole/Governor might overshadow a lack of accountability in local government which similarly limits a people's self-determination. However, it was also pointed out that "if you look at our election history over the last couple of cycles, anyone who ran on an anti-corruption platform won" (Interviewee 8), suggesting both that concentration of power *within* the community has long occurred, and that people are acutely aware of it.

7.5. Concluding remarks

This chapter has analysed the governing arrangements that tie Anguilla and the BVI to the UK, paying particular attention to the self-government element of self-determination (Anaya, 1996). In considering the upholding of autonomous institutions, effective participation in decision-making on the metropolitan level, the roles of Governors, and local governments, it has identified problems that limit self-government in both cases.

Pertaining to autonomous institutions, belongership serves to enable OT peoples to establish the boundaries of their distinct peoples by controlling who holds political and other rights. This institution has remained in place for decades, in contrast to attempts to similarly

restrict franchises in US-affiliated territories, which have ultimately been deemed as illegitimate in the metropole based on a conventional liberal interpretation of non-discrimination as equal treatment of all citizens of a state. However, the British government still retains the power to unilaterally abolish belongership, and concerns were raised about this in light of post-Brexit ideas about a wider, "British people" including the OTs. Such ideas could lead to different concepts of non-discrimination and political equality being favoured, which in turn could challenge present arrangements, as evidenced in the 2019 FAC report. While Harmer (2018) identifies questions of parliamentary representation and metropolitan legislation as particularly ambiguous and contested in UK parliamentary debates on the OTs, the question self-constitution and "just exclusion" (Spitzer, 2022) of metropolitan citizens emerges here as similarly uncertain. For institutions in in-between spaces to truly be autonomous and non-precarious (Nine, 2022), there arguably need to be safeguards against unilateral metropolitan actions to remove them.

Regarding participatory engagement, the chapter noted that while opinions on the question of formal parliamentary representation for OTs in the UK were significantly divided, such representation on its own risks being insufficient to address current democratic deficits. Based on interview responses as well as a consideration of the literature on Indigenous rights, the chapter proposed a set of alternatives that could be used individually or in combination with each other and/or with parliamentary representation so as to ensure proper participatory engagement. Different solutions might fit different contexts, but for self-government to be possible, a guiding principle should be that there should not just be (some form of) participation in decision-making, but *meaningful and effective* participation. From the empirical data, it was clear that this is viewed as crucial for OT peoples' free pursuit of their own development, as well as for a sense of truly equal partnerships where the metropole does not dictate, but currently lacking.

Also related to participatory engagement, the appointed role of the Governor was questioned by a majority of interviewees, pointing to a lack of democratic accountability as another way in which the

meaningful participation of OT peoples is restricted. The chapter identified the roles of Governors as particularly contested, often leading to clashes and longstanding "battles" between them and elected leaders. This has tended to make cooperation difficult, and the unelected position further leads to uncertainties and controversies regarding how Governors should legitimately behave. Informal aspects and personalities were found to impact significantly on UK-OT relationships and on interviewees' experiences, both positively and negatively, however the chapter underscored that persisting inequalities and democratic deficits in the formal, constitutional arrangements need to be addressed so as to safeguard self-government.

Self-determination violations were also found to occur in OT-level governing arrangements, as corruption, mismanagement and lacking transparency were identified by interviewees as problems relating to elected OT governments. This impedes self-government by concentrating power *within* the community, while it is also concentrated outside it through the metropolitan relationship. If self-determination requires for a people to be genuinely associated with decisions that affect them at all levels, transferring powers from a metropole to a corrupt elected government may give said people more influence to pursue their own development *in theory* (as they will now at least have the democratic power to elect the representatives responsible for this), but this influence risks being negated in practice if e.g. funds are mismanaged or used for personal gains rather than common goods. Still, the solution cannot be to transfer powers in the other direction, or to keep power concentrated in the metropole while OT peoples lack meaningful participation in its decision-making processes. As Benito Wheatley has argued: "democracy is not perfect anywhere, and imperialism is not a cure" (Wheatley, 2024). Self-determination therefore also requires institutions, devised in accordance with the preferences of OT peoples, for effective, transparent and accountable self-government on the territory level.

Overall, this chapter has demonstrated the value of self-government as the overarching political dimension of self-determination. If we conceive of (ongoing) self-determination as dependent on the

upholding of autonomous institutions coupled with participatory engagement, rather than understanding self-determination exclusively as a choice for independence (or for "remaining British" as suggested by the FCO, 2012), violations of it also become visible and can be addressed in the name of NSGT peoples' inalienable rights. The right to self-determination can thus be construed in a broader sense than what has typically characterised both metropolitan policy documents and local debates in the OTs (equating it with the right to independence, as described in Chapter 5), encompassing the metropolitan as well as local levels. Presently, OT peoples are in many ways subject to decision-making processes in which they are not involved. While the right to choose a permanent political status should certainly remain for NSGT peoples, up until such a choice is made self-determination also needs to be discussed (in the OTs, and in the metropole) in relation to the features causing this, and not only in relation to a binary choice between affiliation and independence.

Chapter 8: Negotiating in partnership? Constitutive self-determination in Overseas Territories

With the previous chapters discussing ideas of self-determination (Chapter 5), and experiences of present metropolitan relationships (Chapters 6 and 7) in Anguilla and the BVI, this chapter turns to questions of *how and to what extent these relationships may be altered* in accordance with the wishes of OT peoples. The importance of this becomes evident if one considers the constitutive aspect of self-determination, understood in Anaya's (1996: 82) conceptualisation as applying to "discrete episodes of institutional birth or change" and requiring that the governing institutional order be created or altered through processes guided by the will of those governed. The constitutive aspect of self-determination means that, particularly during times of constitutional development and -change, the participation and consent of those governed need to be ensured, so that the people may be active creators, or "makers," of a governing institutional order that they can reasonably affirm as their own (Stilz, 2015; 2019).

The peoples of all NSGTs are entitled to self-determination and, in accordance with international law, possess the right to choose a permanent political status for their respective polities. In a sense, one could thus argue that sufficient opportunities for constitutive self-determination are already in place. In this chapter, I begin by addressing the question of whether this is the case, arguing ultimately for an understanding of constitutive self-determination that goes beyond having the right to determine a permanent political status as an NSGT. Here, the need for consideration of how and to what extent NSGT peoples may also influence the shaping of their metropolitan relationships is emphasised.

Following this, I turn to the question of how and to what extent the peoples of the BVI and Anguilla consider themselves to be able to influence the constitutional arrangements tying them to the UK. If these arrangements are subject to continuous negotiation and reshaping, as suggested by e.g. Prinsen and Blaise (2017), opportunities for exercising self-determination in its constitutive aspect, aside from choosing a permanent political status, can indeed be said to exist. However, this arguably requires not just opportunities for negotiation generally, but opportunities for negotiation between two (or more) peoples who are recognised as having an equal standing, so as to avoid domination by one party over the other (Mörkenstam, 2015; Beckman et al, 2022). It should further require that the governing order is not subject to unilateral modification or -suspension once it has been negotiated. As these aspects are found to be lacking, the chapter concludes that while opportunities for constitutive self-determination through "islandian sovereignty" might exist, OT peoples' abilities to substantially shape the governing institutional order under which they live, and to uphold it, are still importantly limited.

8.1. Constitutive self-determination for NSGTs

In the case of any NSGT, a clear example of constitutive self-determination being exercised would, of course, be an instance where the people of a territory democratically opt for a change in political status (independence; free association with an independent state; integration into an independent state, or; "any other political status freely determined by a people", GA Res 1541, XV, 1960; GA Res 2625, XXV, 1970). Given that such a right is indeed enshrined in key international resolutions, one may argue that all NSGT peoples already do have every possibility of exercising self-determination in its constitutive aspect.

However, an understanding of constitutive self-determination as exercised solely through such a choice is limited for several reasons, some of which have already been covered in Chapters 3 and 5. Regarding the stipulated options: firstly, while some interviewees in both the BVI and Anguilla were explicitly for independence, it is rarely

considered a realistic alternative by the electorates in many smaller island territories. Even if independence were soon to be pursued in one NSGT, it is unlikely to be pursued in *all* of the remaining ones for any foreseeable future, which calls for alternative ways of understanding constitutive self-determination. Further, if independence were to be pursued in a particular NSGT in ten, 20 or 30 years (as it was described as ultimately desirable in the long term by some interviewees who were skeptical of it at the present time), this still calls for ways to ensure constitutive self-determination in the meantime, particularly as violations of this aspect have been identified as the distinctive wrong of colonialism (Ypi, 2013; Stilz, 2015; Moore, 2016).

Secondly, full integration is often considered unviable given significant cultural differences between NSGTs and metropoles. Thirdly, the options of free association or integration also require the consent of the larger state, and it can be noted that in the case of the BOTs, the metropole has long rejected them (Corbin, 2009b: 93-94). Lastly, while "any other political status freely determined by a people" does open up for the possibility of exploring what could be a wide range of options, there has so far been little discussion as to what such a political status could be, and the need for clarification has consistently been highlighted (Perham, 2013). In other words, if we consider the choice for a permanent status as laid out in international law as *sufficient* for constitutive self-determination, the NSGTs risk being left with a set of alternatives that may all be considered undesirable, unattainable in practice, or too vague to be of use. Empirically, no territory has been removed from the UNGA's list since 2002, which may indicate, as argued by Turner (2013) and Yusuf and Chowdhury (2019a), that the C24 is overly limited in its understanding of decolonisation.

Prinsen and Blaise (2017: 77) have argued that peoples of non-self-governing islands do not tend to exercise sovereignty by concluding independence negotiations with their administering powers, but that their sovereignty is rather expressed "in the ability to sustain negotiations and relations with their metropole" to alter arrangements and redefine relationships on their own terms. Supporting this observation, specifically as it relates to the British OTs, Hendry and

Dickson (2018: 32) describe the outcomes of constitutional review negotiations between the UK and Gibraltar, the Falkland Islands, the Cayman Islands, the BVI, Montserrat, St Helena, Ascension and Tristan da Cunha, and Pitcairn as all marking "an advance in local self-government" in line with OT desires to increase local autonomy. The authors – both practitioners with experience in OT law and practice, having served as advisers to the FCO – conclude that in each case a "revised balance of powers was achieved that both sides could accept and that better suited modern conditions" (ibid: 32-33), which implies that there have indeed been opportunities for exercising "islandian sovereignty" through constitutional negotiations with the UK.

The above could be likened to an Indigenous "quest for a level of recognised sovereignty that exists in the context of, but is not entirely subordinate to, and encompassing sovereignty," as self-government and comprehensive decision-making powers in relevant areas, rather than secession, are often the objectives for Indigenous nationhood (Cornell, 2015: 4). Indeed, Blaise et al (2022: 328) hold that "indigenous concepts of 'stateless sovereignty' […] endorse a more flexible and concerted conception of decolonization," particularly in a globalised world, where "the path to political independence becomes one of the possible modalities of the right of peoples to self-determination." An alternative path, then, would be to establish relations of non-domination required for equal participation within a multi-people state, where different peoples' distinct identities and cultures are recognised (Young, 2001; Pitty and Smith, 2011). A view of self-determination as essentially requiring that structures and partnerships be created so as to overcome entrenched domination also takes into account the "inadequacy of trying to create formal independence in a profoundly interdependent and unequal world" (Pitty and Smith, 2011: 128) – a point that was reinforced by several interviewees when discussing the independence option for their respective territories (Chapter 5).

What becomes important, then, is the ability to alter the governing institutional order (or, the constitutional relationship with the metropole) so that it may reflect the will of those governed and allow them to act as "makers" (Stilz, 2019) of the institutions under which

they live, even outside of the process of choosing a permanent political status, or up until such a choice is made. For the OTs, the question of how their constitutional relationships with the UK may be altered and developed on their peoples' own terms thus becomes relevant.

While Prinsen and Blaise (2017) and Hendry and Dickson (2018) suggest that good opportunities exist for NSGT/OT peoples to negotiate and alter the constitutional arrangements that tie them to their metropoles according to their will, others have cautioned that such ideas may not be reflective of realities in non-independent island territories. Ferdinand et al (2020) observe that high degrees of frustration with contemporary arrangements exist among territory populations, and based on this call into question whether the image of successful negotiations and consequent, frequent redefinitions of these (post)colonial relationships "on islanders' terms" is overly optimistic. If one is truly able to shape the governing order under which one lives, why would any profound dissatisfaction with said order arise?

This chapter will now consider these contrasting arguments and observations in light of the empirical data from the BVI and Anguilla, and consider how experiences in these territories inform ideas about constitutive self-determination and its requirements.

8.2. Modern partnerships?

As noted in Chapter 2, metropolitan documents and debates since the late 1990s have often characterised UK-OT relationships as modern "partnerships" (FCO, 1999; 2012; FAC, 2019; FCDO, 2023) rather than colonial structures. The notion of a "partnership" evokes some form of joint project and collaboration between parties pursuing mutual interests. Arguably, being a "partner" also connotes being a voluntary and fairly equal participant, and the idea of partnership appears difficult to reconcile with the image of one party dominating and dictating over the other. However, present UK-OT arrangements, and the roles and powers of OTs in shaping them, challenge metropolitan portrayals.

Many interviewees in both the BVI and Anguilla expressed that they did not agree with "partnership" being used to portray their respective arrangements. In both territories, this was mainly connected to experiences of metropolitan domination and relationships being perceived as unequal. In the BVI, the image of a partnership had further been questioned following the 2021-2022 COI and its resulting recommendation that the territory's constitution be partially suspended so as to transfer powers from elected ministers to the Governor in order to address governance problems. A political candidate in the BVI described how "we are trying to figure out how in a modern partnership there is a suggestion of an imposition of direct rule" (Interviewee 24) and an activist stated that "It's quoted as a partnership, but it's literally not" based on the power of the metropole to unilaterally suspend the territory constitution (discussed further below).

On whether they viewed the present relationship as a "partnership," an Anguillan former HoA member and opposition leader stated that while the British had been framing it as such, "that is a story that's not really true:"

> Interviewer: So, you would not agree that it's a partnership?
>
> Interviewee: No, never, and it has never been. Never. It has never been, and it isn't now. It has never been. But that- and that is an example of the… what is not true, what is not real, but is not challenged, because it's not worth the time to challenge it, so the British get away with that. (Interviewee 22)

The point about "the British getting away with" framing contemporary relationships as partnerships was also somewhat reflected in a statement by an Anguillian former political candidate, who emphasised how a change in terminology, from "colony" to "Overseas Territory" had not been accompanied by any fundamental changes in the structure of the Anguilla-UK relationship:

> There have been different states. We've been called colonies, and then based on our protests and representation and objections to the use of this word, you have diplomatically started to refine the phrase. […] But the basic structure has not changed. So, it's called Overseas Territory now, but it's the same structure in place. The same

> domination, and you understand that your status has not really changed. And that is what bothers me in 2023. It's a cosmetic change. And they feel that you ought to be thankful and satisfied. (Interviewee 23)

This highlights the need for OT peoples to be involved in *meaningfully* modifying relationships, for colonial structures not to persist with only cosmetic, superficial changes being made to the arrangements. An Anguillian academic similarly described their understanding of the metropolitan position as: "So we dictate the terms, although we try to make you think that we're in a partnership" (Interviewee 2), suggesting that the use of "partnership" has mainly been a shift in rhetoric rather than substance. The same interviewee stated:

> As much as they talk about partnerships, it's not a partnership because in partnerships people go into a negotiation. And so, a partner doesn't come and say 'this is what we're going to do and that's it.' (Interviewee 2)

This relates back to the perception of metropolitan officials "informing" rather than consulting, discussed in Chapter 7. A similar sentiment was raised by an Anguillian journalist who stated that "so far, what I've seen over the years, and I've been on politics for a long time, it is not a partnership. They inform you to tell you what they're doing and they call it a consultation" (Interviewee 5). The notion of a partnership is thus challenged based on experiences of domination and the metropole still "dictating." The use of terminology such as "partnership" and "consultation" was challenged by several interviewees viewing the British interpretation and implementation of these concepts as inadequate, given limited influence and power of OT peoples regarding the terms of the relationship (constitutive self-determination) as well as decisions impacting on their lives (ongoing self-determination).

In sum, scepticism against the metropolitan framing of UK-OT relationships was prevalent in both OTs, based on experiences of lingering domination as well as the possibility of a unilateral imposition of direct rule. The interview data suggests that while relationships have been re-framed in a rhetorical sense, it can be questioned whether they have been restructured in a way that truly reflects this. Perhaps even

more importantly, it can be questioned who has held, or holds, the power to restructure them. What becomes relevant in this regard, then, is the abilities of OT peoples to have a meaningful say in the very design of the governing order so that it may reflect their aspirations, definitions and priorities, which would essentially be what Prinsen and Blaise (2017) refer to as "islandian sovereignty."

8.3. Modifying the governing order

Relevant to this discussion is the concept of *constituent power*, understood as the power of a people to "establish, or fundamentally amend, a constitution" (Duke, 2013: 798), and to thereby "begin, end, or modify" the political order (Dahl, 2018: 48). Constituent power is thus closely related to constitutive self-determination and its requirement that the governing institutional order, regardless of what it looks like, be created through processes guided by the will of those governed. It should be noted that Duke (2013), in the citation above, emphasises that constituent power is not only the power to amend a constitution (or a constitutional relationship), but to *fundamentally* amend it. This becomes important for the following discussion.

In cases of colonisation, constitutive self-determination is inevitably and severely violated, seeing as such an order by definition becomes an alien imposition. In other words, a colonised people has not established the governing order under which it finds itself. A colonial governing order is, then, morally wrong not just because it gives rise to injustices, but also because of the complete lack of constituent power of those governed. As Stilz (2015: 18) points out: "It may be as important that citizens themselves create the institutions they live under (in their role as 'makers') as that these institutions be good ones (from their perspective as 'takers')." It is clear that a colonial order would violate, *in all probability*, the latter. Theoretically, one could perhaps imagine a scenario where a governing order is imposed on a people, but where said people just so happens to agree that the design of this order is in accordance with and works well to promote their interests – however this has of course not been the case empirically with colonialism. It would, *by definition*, violate the former, as it is entirely impossible to

imagine a scenario where an order is externally imposed and where the people governed are simultaneously the creators of it.

NSGTs are designated by the UNGA as being under colonial rule, however administering powers' delegates to the C24 have often argued that contemporary arrangements have now developed so that "the territories are, in fact, not 'colonies'" (Aldrich and Connell, 2020: 27). Writings on "islandian sovereignty" (Prinsen and Blaise, 2017; Prinsen et al, 2017) further suggests that NSGT/OT peoples do hold constituent power to some degree, given their supposed abilities to modify these arrangements through continuous negotiations. The question of whether these contemporary relationships violate the constitutive aspect of self-determination in ways similar to historical examples of colonialism, or whether they have evolved so as to allow for constituent power to be exercised by NSGT peoples, thus appears open-ended.

In the 2012 FCO White Paper on the OTs (Chapter 2.), two reasons are given as to why the OTs are not under colonial rule and "should have been delisted a long time ago." These reasons are 1) "the British Territories on the Committee's list have a large measure of internal self-government," and 2) they "have all chosen to retain their link to the UK" (FCO, 2012: 84). The former can be understood as primarily in the domain of ongoing self-determination, whereas the latter could be viewed as an expression of constitutive self-determination as it concerns a choice for type of governing order. However, while choosing to retain the link to the UK is in the domain of constitutive self-determination, this does not tell us anything about how that link is structured and who holds the power to (re)structure it over time. If the only available choices are to either retain it or to sever it, constitutive self-determination is still restricted (especially if severing it is not seen by the majorities as viable). If constituent power is understood as the power to "begin, end or modify" a political order (Dahl, 2018: 48), the formulation in the 2012 White Paper appears to consider the legal opportunity for the "end" part only as sufficient.

What becomes important, in relation to constitutive self-determination, is the extent to which OT peoples may (fundamentally) modify the arrangements that tie them to the metropole. When it comes to

constitutional reform, the BVI has a long history, with its first modern Constitution written in 1950, its second one promulgated in 1967, third in 1976 (amended in 1979, -82, -91, -94 and 2000), and fourth – and current – in 2007. Anguilla, by contrast, received its first Constitution in 1976 following the territory's secession from Saint Kitts and Nevis, and its second and current one after it obtained its new status as a separate Dependent Territory (now OT) of Britain in 1982 (amended in 1983, -90, 2019, and 2020).

In the case of Anguilla, several interviewees described the UK relationship and- support as valuable, as noted in Chapter 6. At the same time, many also recognised aspects of the present constitutional arrangement as undemocratic and unequal. Exemplifying the view of the metropole constituting an important source of support, particularly in times of crisis, while aspects of the constitutional arrangement may still be considered unsatisfactory, an Anguillian HoA member described:

> We have formed the relationship to be beneficial to us. The UK was very helpful to us during the COVID pandemic. It provided us with all the vaccines, a lot of equipment. You know, we were struck by a hurricane in 2017 and they provided a lot of money that rebuilt a lot of our major infrastructure projects. So, they have been very helpful to us. One of the flies in the ointment, so to speak, has been the constitutional arrangements that, you know, there's a Governor and sometimes the perception is that the Governor has more power than the elected representatives. (Interviewee 14)

On one hand, the above quotation suggests that Anguillians have had opportunities to "form the relationship" so as to get the best out of it, primarily as it relates to crisis support from the UK. This would be consistent with ideas of islandian sovereignty being exercised as non-self-governing island leaders obtain unique and beneficial positions for their territories, such as ensuring significant financial transfers from the metropole (Prinsen and Blaise, 2017: 66). On the other hand, the power of the UK-appointed Governor remains a "fly in the ointment." In Anguilla as well as the BVI, interviewees generally tended to perceive the powers of Governors as particularly problematic, given the lack of

accountability (Chapter 7). In this area, the metropole was also understood to be particularly reluctant to change. Describing their experience of having been part of a Constitutional Reform Committee in 2011 and 2012, an Anguillian HoA member stated:

> I was a part of the Constitutional Committee, and the work that we would have done under the direction of the then Chief Minister was to create a modern democracy. And so, some of those things were to give the government more power, to try to balance the scale, even instances where Governors have to meet a certain standard. It was very modern. And word got out that this is what he wanted to do. He was a bit, you know, he never used to keep things to himself, but it didn't matter because the result would have been the same. So, he spoke very openly on what he would like. And in no time, there was a White Paper from the UK that defined all of the non-negotiables on the Constitution, which basically spoke to everything that we were going to do. So, it was a non-starter before it began. And what's the value of redoing the Constitution if it can't even reflect what the people of the country would like it to be? (Interviewee 4)

Here, actions by the administering power are described as putting a halt to the process of altering the constitution to better "reflect what the people of the country would like it to be," pointing to limitations regarding constitutive self-determination. In 2012, the Anguilla representative to the C24 regional seminar, Josephine Gumbs-Connor, brought up how the same Constitutional Reform Committee had been working towards settling policy positions held by the Anguillian people to be used as a basis for a draft constitution. She described how media debates had made it clear that a "serious reduction in the powers of the Governor" was particularly desired by the people, but that the administering power had, at the same time, indicated 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".[87] Gumbs-Connor continued to describe how

[87] This was also brought up in two articles published in *The Anguillian* in 2011 and 2012. In both articles, Chairman of the Constitutional and Electoral Reform Committee Rev Dr H Clifton Niles quoted the (then) Governor of Anguilla as having stated: "The UK government believes that the current constitutional model is fit for purpose… The relationship set out in the Territories' constitutions is fundamentally

the metropole's reluctance to amending the structure of the relationship had put Anguilla on a "direct collision course with the Administering Power," and that the territory's people were "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." Still, Anguilla retains its 1982 Constitution to this day (amended several times, however these amendments have done little to alter the balance of power with the metropole).

As noted in Chapter 4, Anguilla representative to the 2022 C24 regional seminar Kenneth Hodge similarly described how, despite it being an expressed desire of Anguillians, the UK at this time was still unwilling to agree to a reduction in the powers of the Governor, with reference to the management of contingent liabilities, UK international obligations, and good governance. This indicates that there are limits regarding the extent to which Anguilla's Constitution may be fundamentally altered or replaced through processes guided by the will of those governed, stemming from the metropolitan position. A reduction of the powers of the Governor was emphasised as a main desire held by the Anguillian people by Gumbs-Connor in 2012, and echoed again ten years later by Hodge, however the UK position has remained unchanged.

Corbin (2009a: 263) has previously identified the prevailing process for constitutional review in the British OTs generally as being based on "the UK drafting the final constitution for the territories following varying degrees of consultation with the political leadership in the territories with essentially pre-set parameters," meaning that there is an inherent power imbalance in the arrangement where the metropole retains the authority to accept or reject the suggestions resulting from constitutional reviews conducted in the OTs. As demonstrated in the discussion above on past and recent attempts at constitutional reform in Anguilla, this has remained a feature that impedes OT peoples' abilities to *fundamentally and substantially* modify the political orders that govern them. Negotiations may lead to a constitution being amended or even replaced, but opportunities for changing the fundamental structure

right…. The aim is not to change the constitutional relationship but to see that it works better" (Niles, 2011; 2012).

of the metropolitan relationship will still be limited if the decisive power is ultimately located in the metropole. Regarding this, an Anguillian journalist described:

> The British though, even when you modernise the constitutions, they're very keen to ensure that they reserve all these powers for themselves. They have a lot of reserve powers. (Interviewee 5)

Similarly, when asked about whether they believed that Anguillian leaders were able to negotiate and redefine the UK relationship successfully and on their own terms, a former CRC member stated:

> That is certainly not the case. That is not the case at all. At all, at all. They will tell you 'We have certain red lines which we will not compromise on. One of them is the Governor's powers will never be reduced. If anything, we'll increase it. So, we'll take away powers from you, the elected person, and increase the Governor's powers.' So 'negotiate successfully' is misleading. It also sends the message that I have to negotiate to exercise my fundamental right to freedom. (Interviewee 28)

This challenges ideas about an "islandian sovereignty" in NSGTs in two main ways: firstly, it describes a situation where the metropole sets the terms for constitutional negotiations, challenging the notion that island leaders are actively changing their metropolitan relationships and "quite successful in doing so on their own terms" (Prinsen and Blaise, 2017: 57). Secondly, it suggests that there are certain fundamental rights that should not need to be negotiated in the first place.

For both Anguilla and the BVI, the media material pointed to a recognition among elected leaders that negotiation processes (both constitutional and related to e.g. development processes) with the UK crucially affect OTs. For example, Anguillian Minister of Education Dee-Ann Kentish-Rogers, in a 2024 interview published in *Anguilla Focus*, emphasised that OT leaders understood "very intimately' that the UK plays a huge role as the administrative power" and that actively negotiating was necessary because "[o]therwise you'll see a lot of top-down decision making from the UK that doesn't reflect the desires of the people of the various territories" (Anguilla Focus, 2024). In a 2025 article, BVI legislator Myron Walwyn stated that "elected leaders need

to sharpen their negotiating skills to effectively counter some of the arguments presented by the United Kingdom" pertaining to crime-fighting agencies (BVI News, 2025b). This statement was made after a UK report had recommended that responsibilities for key bodies such as Immigration and Customs be transferred from the elected government to the Governor (HMICFRS, 2025: 18) – a recommendation that was opposed by all 13 elected representatives in the territory for undermining self-governance. Walwyn expressed that given the UK's strong constitutional basis, BVI leaders should use arguments based on the territory's aspirations to self-determination rather than "sentimental reasoning":

> We have to learn to negotiate and put better arguments together. The argument that my grandfather's navel string is buried here and I'm 10 generations removed from the plantation – all of that is true but for this level of arguments, we have to find sounder ways. (Myron Walwyn, quoted in BVI News, 2025b).

This points to a situation where the power to retain control over key institutions and areas becomes, so to say, a skill issue. This can be considered in relation to the quotation above from Interviewee 28, as well as Nine's (2022: 193) argument that in a situation where any political decision is subject to outside negotiation, larger and more powerful actors risk negotiating smaller groups "to death." In Nine's view, an understanding of self-determination as functional autonomy is preferable as this allows us to judge whether a dependency relation promotes or undermines it (based on the criteria of autonomy and non-precarity) independently of negotiations. The quotation by Interviewee 28 is in line with this, in pointing to fundamental rights and emphasizing that ensuring them should not be a matter of "successful negotiation" nor a responsibility placed on territory leaders, but rather a guarantee. This suggests that while opportunities for meaningfully modifying the governing order are key to constitutive self-determination, and while in a territory-metropole relationship, options short of a transfer to independence would most likely need to involve negotiations of some sort (however, the metropole should then not retain a dominant position in such negotiations), this could be combined with independent criteria

for how such arrangements may legitimately look so as to not violate (ongoing) self-determination.

The situation described above regarding desires for the reduction of the Governor's powers is not unique to Anguilla. In the BVI, similar sentiments were expressed concerning the balance of power between the Governor and elected government, and the possibilities of altering the structure of the OT-UK relationship. A HoA member, for instance, described the territory's self-determination process as dependent on "whether the United Kingdom, or whichever government at the time, sees it within their particular interest to advance self-determination" (Interviewee 9), and that the metropole had generally been unwilling to assist with this. When asked to elaborate, they stated:

> They've been reluctant, for instance, to share or to devolve responsibilities from the Governor to the elected government, they've shown reluctance. And even with the Commission of Inquiry which is taking place now, there's examples of overreach which I don't think help. It doesn't help us in terms of our aspirations to be more self-determined. To be fair, of course, the Commission of Inquiry identified […] areas of governance that needed to be strengthened. But of course, for me, the answer is not for the United Kingdom to claw back more power or responsibility. It's to assist the locally elected government and other institutions of government in correcting those challenges and to continue along the path of self-determination. (Interviewee 9)

As demonstrated by the 2022 COI recommendation for direct rule and the resulting Order in Council, the aforementioned HMIFRS report on crime-fighting agencies and its recommendation for responsibilities to be transferred from the elected government to the Governor, and instances of Governors seeking additional powers (discussed further below), UK-OT relationships can be unilaterally altered by the metropole. However, negotiating transfers in the opposite direction were described by the interviewee above as dependent on the UK Government's interests "to advance self-determination." The same interviewee did point out that "right now we have areas delegated to us under external affairs, like for CARICOM, OECS, Organization of American States, etc. And it's important for those areas to not just be

delegated" (Interviewee 9). This suggests that there have been opportunities to alter the arrangement so as to allow OT governments to act within areas for which the metropole is typically responsible (external affairs), but also stresses the importance of this becoming devolved as opposed to delegated in order to constitute a meaningful change.

It should be noted that in comparison to Anguilla, the BVI has seen more constitutional advancement over the past decades. A BVI lawyer described that since 1972, there had been a level of "constitutional creep" (Interviewee 8). They stated:

> The 2007 constitutional review process, which the local government got a lot of power. The nomenclature changed. We moved from a legislative council to a House of Assembly. We moved from an Executive Council to a Cabinet and Cabinet implies collective responsibility. We moved from a Chief Minister to a Premier, something a lot higher than what was before, and the Premier has a lot more power requiring the Governor to consult with the Premier on almost everything except in relation to his reserve powers. So, there were a lot of real gains in 2007. There are still some things that we didn't achieve in 2007 that people feel that they want to get. For example, the Governor shouldn't sit in Cabinet. (Interviewee 8)

The above account suggests that there have in fact been opportunities for altering the governing order in the case of the BVI, which would lend support to the idea that "islandian sovereignty" may be exercised in (at least some) non-self-governing islands. Still, features related to the Governor's role and powers have not been open to change due to the metropolitan position. "Constitutional creep" may thus be a matter of negotiating within limits (with those limits still being determined by the metropole) for an advancement of self-government. What the interview responses do point to is a need for considering and determining what really constitutes "islandian sovereignty," or constituent power, and the extent to which forms of constitutional creep taking place within parameters dictated by a metropole should count.

Regarding the UK's responsibilities for its OTs, the FCO has pointed to "potential liabilities resulting from the actions of the Territories"

(FCO, 1997: 1) which could fall "on the UK taxpayer", primarily related to good governance, law and order and financial issues. A lack of good governance could give rise to contingent liabilities, and Governors are therefore tasked with continuously monitoring the level of good government in each OT (ibid: 2). This constitutes a reason as to why the powers of Governors do not tend to be amenable to change, regardless of whether this is a key desire held by OT peoples. On the question of the metropolitan responsibility to manage contingent liabilities in relation to OTs, a BVI lawyer and political candidate contrasted this with the positions of the Crown Dependencies (CDs):

> Britain calls us a contingent liability all the time. And they use that as a justification for us having an unelected and essentially all-powerful Governor. But the same could be said for the Crown Dependencies. […] If you are a dependent territory of Britain, it doesn't matter if you're a Crown Dependency or an Overseas Territory, the natural thing that flows is that you may indeed be a contingent liability. I don't think we are contingent liability, but I'm just saying what the justification is for having an unelected Governor who is all-powerful. [Crown Dependencies] are also, therefore, could be considered to be a contingent liability on Britain, yet they don't have an all-powerful unelected Governor. They have a Lieutenant-Governor whose powers are in fact pretty much solely ceremonial. So, what is the great difference, one might ask, between us and them? (Interviewee 20)

Here, differences between two types of territorial entities – OTs and CDs – in terms of treatment by the metropole are highlighted. Reflecting on the question posed at the end of the quotation ("What is the difference between us and them?"), the same interviewee made a parallel to the BVI and other territories being blacklisted by the EU (referring to the *EU list of non-cooperative jurisdictions for tax purposes,* on which the BVI was still listed at the time of the interview but from which it was later removed in October 2023), observing that "you find black people and coloured people, non-Europeans, unfortunately, on the blacklists" whereas comparable and competing jurisdictions such as Guernsey, Jersey, Delaware, Wyoming or London would be absent. Connecting this observation to the idea of OTs being

contingent liabilities serving as a justification for having an unelected Governor, they concluded that "I really think there are some racial overtones" (Interviewee 20). The differences in governing structures between the OTs and CDs were similarly discussed by a BVI academic:

> I don't think anyone can answer with any kind of sincerity why Channel Islanders have a different structure that provides them much more autonomy and a truer democracy while retaining their links to the UK, versus the Overseas Territories. And the first thing that you would hear, 'Oh, there's a different history.' Yes, there's a different history. It's called slavery. And that's what a different history is. And that these are territories ostensibly filled with black and brown people. That's what the difference is. You do not enslave Channel Islanders. And there were no genocidal projects in those places. And it begs the question that perhaps, maybe based on that, there's even more of a justification for why the Overseas Territories ought to have a truer form of democracy - at the very least a constitution that cannot be suspended, and the ability to elect or select their own Governors. (Interviewee 10)

The above points to a recognition that the question of "contingent liabilities" could possibly be handled differently, and that having an elected Governor rather than an appointed, "all-powerful" one should theoretically be possible given the examples of the CDs. Still, these features of UK-OT relationships have not been open to negotiation, with the metropole referencing its responsibilities and the managing of contingent liabilities as reasons for this. The fact that there are comparable, "dependent" territories which do have the types of features that have been emphasised as desirable in the OTs (elected Governors; limited abilities for the metropole to arbitrarily legislate for them, Hatchard, 2018) further leads to a sense of these relationships being colonial with the difference between CDs and OTs being race-based.

While ideas about "islandian sovereignty" are promising in relation to the constitutive aspect of self-determination, OT experiences of constitutional review and -negotiations thus suggest that this is still rather limited. The metropole's responsibilities for the OTs and their contingent liabilities mean, in the metropolitan view, that certain powers need to be retained and are not amenable to change. These are

also the aspects that OT peoples have expressed that they most desire to change. Based on this, it can be concluded that: the present governing order is not established by the people, with this especially being the case for Anguilla where the 1982 Constitution was not preceded by any consultation with the public (Mitchell, 2007: 39-40), and; that opportunities are also limited for amending it in fundamental and substantial ways to reflect the will of those governed. This, again, has been especially true for Anguilla, whereas the BVI was described as having gradually increased the elected government's status, powers and responsibilities in the long term, although still within boundaries determined by the metropole and dependent on whether metropolitan "interests" in advancing self-determination have existed at different times.

8.4. Upholding the governing order

For the BVI, much of the scepticism and criticism raised by the interviewees against the image of a "partnership" was rooted in the controversial 2021-2022 Commission of Inquiry (COI), and particularly its resulting recommendation that the VI Constitution be suspended and power temporarily transferred from elected ministers to the Governor so as to fulfil a series of recommendations to address governance problems. In the report resulting from the COI, Commissioner Gary Hickinbottom identified a host of problems related to good governance in the territory, and concluded that:

> … the only way in which the relevant issues can be addressed is for there to be a temporary suspension of those parts of the Constitution by which areas of government are assigned to elected representatives. The suspension should be as short as possible to enable principled elected government to be restored. […] Such a suspension would mean that the Governor would temporarily take over executive powers that are currently exercised by the elected Ministers. (Hickinbottom, 2022: 10)

To avoid constitutional suspension, the BVI government submitted a proposal to the UK government in June 2022, outlining a timetable and plan for how the COI recommendations could be delivered upon

without direct rule by the British. The UK Government subsequently agreed, stating that "[i]f the Government of the BVI delivers on the commitments and promises they have made," the option of suspending the Constitution via Order in Council would be "kept in reserve and will not need to be used" (Office of the Governor, 2022). In other words, a transfer of powers from elected ministers to the Governor would still be possible, but on the condition that the (in total, 49) recommendations listed in Hickinbottom's report would be met by the elected government, the metropolitan government would refrain from taking this measure.

Still, the very fact that a suspension of the Constitution and a metropolitan "takeover" had been recommended, and remained a possibility with the Order in Council being kept in place, had caused many interviewees in the BVI to reflect on the nature of their relationship with the UK. This was described as an example of the UK taking an "interventionist role" in the territory to a significantly greater extent than before (Interviewee 8), and as a case of metropolitan "overreach" (Interviewee 1; Interviewee 9). Exemplifying how the recommendation had come to challenge the image of a partnership between the UK and the BVI, a political candidate pointed out:

> In our new Constitution, it is also written that we now have a modern partnership based on mutual respect.[88] However, it has just been suggested that imposition of direct rule could be an option for us. So, we are trying to figure out how in a modern partnership there is a suggestion of an imposition of direct rule. And so those are the contradictions that we continue to see within the system that we have. It has become clear to myself: a country who themselves are not democratic or fully democratic, how can they be the ones taking you to this full measure of democracy that you are looking for? (Interviewee 24)

The suggestion that the metropole should impose direct rule is here viewed as contradicting what a "modern partnership" should entail, thus

[88] The preamble to the Virgin Islands Constitution Order 2007 notes that "the United Kingdom, the administering power for the time being, has articulated a desire to enter into a modern partnership with the Virgin Islands based on the principles of mutual respect and self-determination" (VI Constitution Order 2007, p 5).

questioning the very characterisation of the relationship which has figured in metropolitan documents as well as the BVI's own 2007 Constitution. In a related discussion, a BVI academic reflected:

> If you have a Constitution that can be suspended, is it really a Constitution? By definition, is it really a Constitution if somebody else who is extrinsic to the situation can say 'pause'? I mean I did a little political science, but it begs some serious questions about, to me- because at that point it becomes a bit of a theatre. So, in other words, can Overseas Territories truly be democracies if their citizens don't have the final say, if the citizens can elect a government, but the British government- not even the British government, the Foreign Secretary, not even the Prime Minister, not even Westminster, not even Parliament, the Foreign Secretary - has the power to place an Order in Council to suspend the Constitution? That begs some serious questions about the human rights of the citizenry of the British Overseas Territories. (Interviewee 10)

The meaning of concepts like "partnership," "democracy" and even "constitution," were thus questioned by interviewees in relation to the possibility of direct rule. An activist further challenged the notion of the people of the BVI at all being "citizens" of the UK:

> So, obviously citizens have rights. And those rights can't be violated. So, if we are British citizens, then the possibility of suspending the constitution is totally non-existent. (Interviewee 1)

OT-UK relationships have frequently been referenced as *partnerships* in metropolitan documents; the OTs are all formally *democracies*; they have their own written *constitutions*, and; British *citizenship* has been officially extended to them since 2002 – yet all of these concepts are challenged in these accounts. If one party can be dominated and have the very terms of their involvement in a supposed "partnership" revoked unilaterally, are they really a partner? If it can be suspended by an external actor, is it really a constitution? And if one has no right to their constitution, nor a say in this process, is one really a "citizen" living in a "democracy"?

The OT status, described as a "halfway house" between independence and integration (Aldrich and Connell, 2020), has been thought to

generate self-determination advantages (Rezvani, 2014; 2016) and lead to a potential "best of both worlds" (Baldacchino, 2006a) given the flexibility that this in-between status entails. However, this case demonstrates that in-betweenness can also have the adverse effect of making key institutions and concepts lose the meanings that they typically have in other contexts. If OT peoples are in practice considered as only "halfway" citizens, with only "halfway" constitutions that the metropole may then unilaterally suspend, the supposed advantages of in-betweenness become less apparent.

It can be noted that the very act of investigating governance issues in the territory in itself was welcomed by several interviewees, recognising problems of corruption in elected governments (see Chapter 7). However, the recommendation to suspend the constitution and transfer powers to the Governor as a solution to this was still considered highly problematic. Emphasising how the COI process had shed light on the very nature of the relationship with the UK, a BVI political candidate described how it demonstrated "the strength of the UK upon us" and how "our Constitution could be suspended without us even having a say" (Interviewee 26). The topic of suspension was, naturally, mostly discussed in the BVI. However, interviewees in Anguilla also called attention to the power of the metropole to take such measures. For example, an academic highlighted:

> The whole question of the fact that Britain can suspend the Constitution and take over is a dangerous, unthinkable situation. And they flexed it in Turks and Caicos, and they're trying to flex it in BVI. And it's like they're holding this- I think the best way they figured to get the BVI in line is to hold this, 'Hey, we can suspend this like that.' And then there's nobody anywhere that- there's no outcry, there's no international organization, there's no international body that's saying this is evil and this is wrong. (Interviewee 2)

This relates to a point made by Pitty and Smith (2011: 127) on Indigenous self-determination, namely that Indigenous peoples, due to the history of colonisation and the consequent positions of structural inequality that they tend to face (this arguably applies similarly to NSGT peoples), need to "transform the ways in which states relate to

them, by creating public arenas in which state conduct can be effectively scrutinised by transnational political agents." In the above quotation, the lack of an international body to challenge constitutional suspensions by the UK is viewed as cause for concern. In the views of Pitty and Smith (2011: 128) as well as Young (2001), Indigenous self-determination requires that the international system be transformed so as to limit existing states' rights to "do what they want within their jurisdiction" if these actions lead to the domination of peoples. While OT constitutions are contained in Orders in Council enacted by the British monarch, thus existing within the confines of the metropolitan state, this emerges as a case where the state governing as it wants "within its jurisdiction" risks leading to such domination. The fact that there is currently "nobody anywhere" to challenge this conduct, as described above, lends support to ideas about self-determination as requiring an international order where states may be scrutinised and their powers limited, presenting a challenge to statist concepts of self-determination as non-interference in states' domestic affairs.

Something that the COI process and -recommendations demonstrate is that while a change in the structure of OT-UK relationships with the aim to devolve more powers and responsibilities from the Governor to elected Ministers has proven difficult, a change in the opposite direction appears far easier to implement (even though the metropolitan government might be reluctant to do so given the controversial and, in the eyes of many OT inhabitants as well as the international community, colonial nature of such an act).[89] While the safeguarding of good governance is used as an argument as to why the current balance of power between elected governments and appointed Governors cannot be altered regardless of OT peoples' wishes to have more power vested in the former (as demonstrated in Kenneth Hodge's aforementioned statement to the C24), in the case of the COI this has evidently been

[89] For example, an article published in the *BVI Beacon* in January 2024 described how the Organisation of Eastern Caribbean States (OECS) along with several OTs had "strongly condemned" recent statements by (then) BVI Governor John Rankin requesting additional powers in order to be able to "push through Commission of Inquiry reform recommendations." The OECS had warned London that granting such powers would amount to a "colonial act" (Conolly, 2024).

used as an argument as to why this balance *should* be altered in favour of the Governor's/administering power's side.[90]

While this is, to an extent, understandable given that the UK is ultimately responsible for the OTs, it does limit OT peoples' constitutive self-determination. With the metropole maintaining that key features of present relationships need to either remain or be changed (if only temporarily) so as to locate more power in the Governor, it appears that there is not much that can be done to meaningfully alter the governing institutional order in accordance with the will of those living under it. In essence, there are two possible scenarios. In Scenario 1, governance issues are identified in an OT, and the metropole consequently transfers powers from the elected government to the Governor in order to address them (or, does not opt to do this, but retains the power to do so if needed). In Scenario 2, the elected OT government acts in accordance with standards of good governance. However, there is no way for the administering power to ensure that this will continue to be the case in the future, and therefore it still cannot agree to the types of changes in the relationship structure that would be desired by the OT's people, given its responsibilities to manage contingent liabilities.

In 2024, then Governor John Rankin, observing that progress towards the COI recommendations had been slow, announced that he would seek additional powers to be allocated to the Office of the Governor to "ensure that the BVI Government delivers its commitments" (Office of the Governor, 2024) which he described as necessary (BVI News, 2024c; BVI News, 2024d). Given the unelected position of the Governor, this request was met with criticism from elected officials in the BVI, e.g. Premier Wheatley accused Rankin of "attempting to bypass democracy in the territory" (BVI News, 2024e). Wheatley later stated that he was aware that his government had to deliver on the reforms in a manner that would "give the UK confidence to remove the threat of additional powers for the Governor" as this was still a possibility (BVI News, 2024f). Even after Rankin had been succeeded

[90] This has also been the case with the Turks and Caicos Islands (TCI), where the Constitution was in fact suspended and direct UK role assumed in 2009 following allegations of government corruption.

as Governor by Daniel Pruce in 2024, it was reported that the territory was "still not sure" whether the UK would bestow additional powers to the Governor's Office (BVI News, 2024g).

This showcases that the governing institutional order can be unilaterally modified by the metropolitan state to alter the balance of power, without the consent or participation of OT peoples. While the request for this was motivated by Rankin with reference to it being necessary for combating governance problems, and while he assured that any transfer would be used for that purpose only, it points to a limitation in regards to constitutive self-determination if understood as including the ability to resist unilaterally imposed changes, or even suspension of the order. This aspect is not included in Prinsen and Blaise's (2017) concept of islandian sovereignty, however I suggest that it should be.

8.5. Concluding remarks

This chapter has demonstrated that while opportunities for constitutional negotiations have existed, particularly for the BVI, certain features of the UK-OT relationships have not been open to change. Changes to these features (in particular, the powers of the Governor) were further described as some of the most desired ones among the people in both territories. This situation matters in regards to the concept of islandian sovereignty (Prinsen and Blaise, 2017, Prinsen et al, 2017). Based on the findings, I will argue that the observation that constitutional review and -negotiations take place regularly, even frequently, is not sufficient to conclude that sovereignty is being exercised by territory peoples. The nature of such negotiations, and who holds the power to set their terms, should also be of importance for an assessment of what opportunities exist for exercising constitutive self-determination by (re)shaping territory-metropole relationships. If their parameters are still pre-set and dictated by the metropole, this could significantly limit such opportunities, especially if territory peoples' desires conflict with metropolitan interests.

More than 15 years, Corbin (2009a) observed that the British metropole had retained a superior position in constitutional negotiations with the

BOTs. The present thesis suggests that this is still the case, despite framings of UK-OT relationships as "partnerships." If OT leaders are able to negotiate certain changes, but not the ones most desired by or important to its people, this may be interpreted as an expression of "islandian sovereignty" yet the constituent power of the people to *fundamentally modify* the governing order remains restricted.

In addition, problems relating to OT peoples' abilities to *uphold* the governing institutional order were identified in the possible, unilateral suspension of OT constitutions, or the unilateral transfer of powers from elected governments to Governors, by the metropole. If we should consider whether non-self-governing island peoples may exercise some form of "sovereignty" in the shaping of their metropolitan relationships, it does not only matter whether they are able to modify these arrangements in accordance with their will. What also matters is the extent to which they are able to uphold orders and institutions that they wish to keep in place, without features of the arrangements being altered or removed without their consent or participation. This is an aspect of territory-metropole relationships that Prinsen and Blaise (2017) do not touch upon, but that I suggest should be included in discussions on islandian sovereignty going forward.

The two main observations of this chapter, i.e. 1) that the power to modify the governing order remains limited for OT peoples given the metropole's superior position in constitutional negotiations and 2) that constituent power is also restricted in the sense that the governing order may be unilaterally altered without OT peoples' consent, together challenge the image of a "partnership." This also suggests that the reasons as to why this image tends to be opposed in the territories stem from inequalities and metropolitan domination - not just in terms of a lack of meaningful participation for OT peoples in decision-making processes, but also in terms of the metropole dictating the very terms for how these arrangements should be structured, what may or may not be altered, and how they are framed. Such situations, then, would explain why such profound dissatisfaction with contemporary arrangements still exists in "virtually all" cases of island-metropole

relationships (Ferdinand et al, 2020) despite numerous constitutional negotiations taken place over the past decades.

Exemplifying a view of the present order as being unequal is the below quotation from an Anguillian lawyer and activist:

> We have a Constitution at present that in essence, all the power- all the governing power is centred in a Governor. A Governor whom we do not appoint, a Governor whom we do not get to be the defining person making the selection. And just the concept that you don't have that partnership in power where there are dual persons, you know, even one from your side and one from my side who holds this power, but in fact, it is a situation of 'I appoint over you,' is you're starting on the position of inferiority and superiority. […] And so, to me, you're automatically suggesting that we as territories have no power. (Interviewee 15)

The vision of a partnership where power is held concurrently by representatives of both parties ("one from your side and one from my side who holds this power") resembles ideas, developed in the literature on Indigenous self-determination, of Indigenous constituent power as exercised through constitutional negotiations between peoples who are recognised as political equals and sovereigns (Mörkenstam, 2015; Beckman et al, 2022). In multi-people states where Indigenous and majority peoples (or, OT and metropolitan peoples) may negotiate on equal terms, similar to how the governments of two states would negotiate with each other (Mörkenstam, 2015), regarding the arrangements that structure their relationships, both would then hold constituent power to "rearrange the constitutional order" (Beckman et al, 2022: 12). For 1) distinct peoples who 2) find themselves in minority positions relative to an encompassing or administering state due to a colonial legacy, who 3) hold a right to self-determination but who 4) are not necessarily seeking full independence, developing such "nation-to-nation" relationships based on a recognition of both parties as having an equal standing may be "a more flexible and concerted conception of decolonization" (Blaise et al, 2022: 328). The experience described above (starting from a "position of inferiority and superiority"), however, clearly runs contrary to such an ideal.

As discussed in Chapter 2 British MPs have, to a degree, recognised and spoken up against subordination of the OTs, emphasising the importance of equality in partnership (e.g. the OTs "should not be seen as somehow subordinate to the UK" as expressed by James Sunderland, or "there has been a feeling that the OTs have sometimes been victims of a situation where others try to define their problems and find solutions to them" as described by Rob Butler). The OTs' right to self-determination, however, still tends to be portrayed by metropolitan officials primarily as a choice to "remain British" or to conversely seek independence, which fails to recognise and problematise the issues described in this chapter and their implications for constitutive self-determination *within* territory-metropole relationships. As one Anguillian HoA member expressed, on the topic of future constitutional review:

> I very simply just hope that we are given the opportunity to put forward a constitution that deviates from this one but recognizes that while we are a dependent country, we have independent aspirations. Not aspirations to independence, but aspirations independent of the UK's version of development. (Interviewee 4)

This represents a more nuanced view of what "independent aspirations" may mean, i.e. not necessarily an aspiration to sever the metropolitan link, but rather to rearrange it in a way that recognises Anguillians as a distinct people and that allows for a greater degree of independence in terms of them pursuing their own development (ongoing self-determination), despite being a "dependent country." This suggests that the understanding of self-determination on which key metropolitan documents have been based needs to be revised, so as to not only recognise the freedom for OT peoples to retain or end the current governing order, which has primarily been in focus, but also to modify and uphold it in accordance with their aspirations so as to truly become "makers" of it (constitutive self-determination). For this to be possible, the parameters for what can or cannot even be open to negotiation or change cannot be set unilaterally by one party from the outset, but need to be agreed for the "partnership" to be experienced as a joint project between two equals.

Chapter 9: Settling the norm

Being a colonised people today means having an undisputed right to self-determination. At the same time, given self-determination's unsettled nature, it has remained uncertain what such a right should entail aside from broadly allowing a people to freely determine their political status and freely pursue their economic, social and cultural development (GA Res 1514 (XV); ICCPR, art.1; ICESCR, art. 1). As noted in previous chapters, political status options stipulated in international law pertaining to decolonisation are:

1. Independence
2. Integration with an independent state
3. Free association with an independent state
4. Any other status freely determined by a people

The choice for one of these options would certainly mean exercising the right to freely determine one's political status in its purest sense. The right for all NSGT peoples to opt for a permanent political status at their own will is widely recognised within the international community. Is it really a problem, then, that the contents of the right are otherwise ill-defined? Is it not sufficient that these peoples are not legally bound to their metropolitan states for any longer than they wish to be?

Based on the findings of this thesis, this concluding chapter makes the following main arguments: firstly, it argues that the legal possibility of separating from the metropole alone is not sufficient for self-determination (in its constitutive aspect) to be realised, and that we need to better understand what it means to be a "maker" (Stilz, 2015) of the governing institutional order in these cases. This is reinforced by the empirical observation that while a choice to pursue independence exists, and while this is also clearly affirmed by the metropolitan state

in the case of the BOTs, it often tends to be viewed by majorities on the territory-level as unfeasible in practice. While some interviewees in both the BVI and Anguilla were explicitly pro-independence, many were skeptical and pointed to limitations stemming from the small sizes of the territories, making a transfer to independent statehood unlikely in their views. Further, I argue that the very existence of the legal right to exit has served to legitimise arrangements where OT peoples still have limited opportunities for exercising constitutive self-determination in ways other than separating, and where it risks being violated through unilateral actions by the metropole. Based on this, one can conclude that colonialism's distinctive wrong, if understood as political domination caused by a denial of constituent power (in my understanding, this sits at the core of both Ypi's, 2013, Stilz', 2015, and Moore's, 2016, arguments), persists in contemporary relationships.

Secondly and relatedly, I propose that constitutive self-determination can be better thought about within frameworks of metropolitan affiliation by breaking the concept down into four related parts (9.2.2). This includes, but is not limited to, the right to exit, and places stricter demands on the ways in which NSGT-metropole relationships may be structured and altered for as long as they persist. In light of the empirical analyses, I criticize previous writings on "islandian sovereignty," and in particular the argument that territory leaders are successfully "redefining" their metropolitan relationships through constitutional negotiations (Prinsen and Blaise, 2017), for overlooking aspects of constitutive self-determination that should matter this regard. Here, I also weigh constitutive self-determination against ongoing self-determination, concluding that violations of the former for the sake of the latter should not be seen as permissible (9.2.1.).

Thirdly, the chapter argues that the elements underpinning ongoing self-determination in Anaya's framework can be viewed as relating to each other in a form of hierarchy – not based on general, intrinsic importance, but based on their instrumental importance in fulfilling each other. This stems from the empirical observation that experiences of violations of, or threats to, *cultural integrity*, *land and natural resources*, and *social welfare and development* could often be traced

back to a lack of *self-government*. In other words, the "political dimension" (Anaya, 1996: 109) of ongoing self-determination does not only hold intrinsic but also instrumental value in upholding and preventing violations of self-determination in its other dimensions.

Fourthly, while the ambiguous, "in-between" statuses of many NSGTS and other affiliated island territories have often been hailed as examples of "creative governance" (Hepburn, 2012) making possible unique, "recrafted" forms of sovereignty (ibid; Prinsen and Blaise, 2017), I suggest that they also entail self-determination perils. Such perils consist in their inventing new versions of institutions (e.g. citizenship) that might undermine rather than promote self-determination. We thus need to pay attention to the potential downsides of creativity and assess whether institutions have been recrafted to a point where their core meanings, functions or principles (e.g. equal membership, or the "right to have rights", Arendt, 1951) have been lost. Without clear definitions as to what self-determination is and requires, and how "in-between" arrangements could legitimately look without undermining it, we risk rendering self-determination violations invisible.

Overall, the empirical chapters have pointed to lingering problems relating both to constitutive and ongoing self-determination in OTs and other NSGTs, including: a lack of meaningful participation in relevant decision-making processes; a lack of democratic accountability for OT Governors; lacking transparency and accountability in local governments; experiences of metropolitan domination, overreach and "dictating" in development processes and the management of natural resources; necessary financial support being attached to stringent conditions not thought to be in OT peoples' interests; fears of assimilation and conflicts over democratic boundary-drawing and "the people;" the metropole retaining a superior position in constitutional negotiation processes; the metropole's powers to unilaterally legislate for OTs or suspend their constitutions without consent.

It should be noted that there were also findings and observations speaking in favour of (aspects of) NSGT-metropole relationships being conducive to peoples' abilities to determine their political status or freely pursue their own development, e.g. the institution of

belongership remaining in place as the British government chose not to act on the recommendation by the FAC, based on the understanding that migration was a matter for OT governments (FAC, 2019b); descriptions of constitutional advancement in the case of the BVI; descriptions of the metropole providing support for development in Anguilla (although interviewees also pointed to such support being conditional, which complicates the image if we consider Nine's, 2022, ideas about functional autonomy); some of the addresses to the C4 and C24 suggesting that NSGT peoples, e.g. in French Polynesia, do indeed freely pursue development under the current arrangements (although such characterisations were also often contested, Chapter 4); the recognition among British parliamentarians that OTs should not be seen as subordinate to the metropole, or have others define their problems for them (Chapter 2). This suggests that metropolitan affiliation does hold some promise for peoples who may not wish to seek full independence, but who are still entitled to self-determination.

Still, analysing the empirical data in light of ongoing and constitutive self-determination as an overarching framework has enabled the thesis to identify experiences where an NSGT people's free pursuit of development and/or determination of their political status (or their metropolitan relationship) have been restricted, violated or threatened. Based on this, one could repeat the words of British MP James Sunderland, in the 2023 House of Commons debate on the OTs briefly discussed in Chapter 2: "We need to do more." Affiliation, and perhaps even more "partial independence" (Rezvani, 2014) does hold promise, and may in some cases even be necessary, but a more elaborate understanding of self-determination and its requirements as they relate both to day-to-day governing and to the structuring of the very arrangements that tie together territories and metropoles is needed.

Below, I begin by returning to the longstanding discussions in the extant literature about the desirability of metropolitan affiliation versus full independence, and list what arguments follow from the present thesis in relation to this. Then, conclusions and arguments pertaining to the constitutive aspect of self-determination for NSGTs are discussed, followed by conclusions and arguments regarding the ongoing aspect.

9.1. Returning to the academic debates

Chapter 1 pointed to the divided nature of the extant literature on non-independence and metropolitan affiliation in smaller islands. Many studies have corroborated the statistical advantages of affiliation for such territories, based on a range of indicators for socio-economic development. This has led some scholars to conclude that certain forms of affiliation or "partial independence" can indeed promote self-determination, making such arrangements superior to full independence (Rezvani, 2014; 2016). Further, the concept of "islandian sovereignty," exercised through continuous negotiations over constitutional arrangements between metropolitan states and island territories, has been introduced to suggest that territory peoples are exercising forms of constitutive self-determination in actively reshaping these arrangements (Prinsen and Blaise, 2017; Prinsen et al, 2017).

On the other hand, critical writings have pointed to shortcomings related to self-governance in NSGTs (Corbin 2009a; 2019b; 2012), and legal scholars have identified democratic deficits in the arrangements tying both UK-affiliated (Yusuf and Chowdhury, 2019b; Bosque, 2020) and US-affiliated (Fuentes-Rohwer, 2008; Lin 2019) territories to their respective metropoles. Ferdinand et al (2020) have further expressed scepticism against the validity of "islandian sovereignty," however this criticism is mainly based on empirical observations of persisting, high levels of frustration in affiliated islands, rather than being made on conceptual grounds.

A starting point for the present thesis, as outlined in the introductory chapter, has been that a conceptualisation of self-determination in contexts of metropolitan affiliation and decolonisation is necessary in order for NSGT peoples to not be left with an unalienable right to what ultimately becomes an undefined "nothing" (Fox, 1995: 733). Such a conceptualisation, which I will present and argue for in the following sections, can allow us to think further about the promises and limitations of "partial independence" and "islandian sovereignty."

9.1.1. Best of both worlds or lesser of two evils?

The remaining NSGTs, along with a range of other "overseas territories" (Aldrich and Connell, 2020), "non-self-governing islands" (Prinsen and Blaise, 2017) or "non-independent island territories" (Ferdinand et al, 2020), have not pursued full independence but instead retained their metropolitan ties, seemingly out of their peoples' own free will. This has been taken to imply that "non-sovereign jurisdictional status may be a highly rational, strategic choice that can result in substantial net material and security gains for the jurisdiction" (Baldacchino and Milne, 2006: 490). As Baldacchino has argued:

> … the current status of autonomy without sovereignty is seen as the best of both worlds – providing many of the benefits associated with political sovereignty while delegating responsibilities, enjoying security and reaping the material benefits of remaining in association with a larger, and typically richer, albeit often reluctant, patron. (Baldacchino: 2006a: 49)

This general understanding has persisted, leading scholars to further theorise that metropolitan affiliation leads to relative advantages that allow overseas territory peoples to exercise an even greater degree of self-determination (Rezvani, 2014; 2016) or "sovereignty" (Prinsen and Blaise, 2017; Prinsen et al, 2017) than they would likely be able to with a transfer to full independence. Rezvani (2014: 45), for example, argues that if national self-determination is to be understood as a distinct population's ability to "determine the nature of its own existence, regardless of the governmental form," then full independence is not its ultimate fulfilment "if it does not fulfil a population's economic, political, and security self-interest" and if the sharing of sovereignty can instead deliver advantages "that may not be realized through full independence." These ideas per se may very well hold water, and I will not argue against them. However, what the previous chapters have demonstrated is that while independent statehood may not be perceived as a preferable choice, contemporary governance arrangements still entail important shortcomings in relation to self-determination that deserve further attention.

If we assume that a transfer to independence is likely to lead to a polity (due to e.g. its small size and limited resources) becoming impoverished and/or entirely dependent on and easily influenced by other actors in the international system – thereby not being able to deliver public goods and fulfil the population's "economic, political, and security self-interest" – the fact that another status "beats independence" (Rezvani, 2016) does not really tell us much at all about the prospects for the exercise of self-determination that said status has. Theoretically, if that is the case, a particular arrangement could give rise to quite severe self-determination violations and still "beat" independence, becoming the lesser of two evils rather than a best of both worlds. It would certainly still be a "rational, strategic choice" (Baldacchino and Milne, 2006: 490) to opt for the lesser evil in such situations, but this in itself is insufficient to draw conclusions about the desirability of affiliation.

Based on the findings of this thesis, I suggest that prevailing ideas about full independence as the "normal," (Hannum, 1990: 39) unavoidable (Baldacchino, 2010: 47), or only acceptable (Veenendaal and Oostindie, 2018: 26) outcome of decolonisation have, in a way, done a disservice to the peoples of the remaining NSGTs. This is not to say that independence should not remain an option – it should – but is meant in the sense that self-determination *within* arrangements for metropolitan affiliation, which at least at the present time seems more relevant, has been a neglected topic. It is also meant in the sense that metropolitan states, by consistently affirming NSGT peoples' rights to separate, have been able to escape the responsibilities that they should arguably have for developing relationships that allow for such self-determination (I elaborate on this below). Relatedly, local debates on self-determination in OTs tend to be stifled by the combination of the concept being equated with independence only, and the viability of independence in turn being questioned by majorities. Even *if* independence is pursued in, say, ten, 20 or 50 years, this should not reasonably mean that it is legitimate for a metropolitan relationship, up until that time, to violate self-determination in its ongoing and/or constitutive aspects.

Related to the above, the pervasive norm of independent statehood has led to a bias in the literature for comparing (smaller, insular) non-independent polities, treated in much Western scholarship as exceptions and "puzzling oddities" (Bonilla, 2013: 158), to independent ones and concluding based on such comparisons that metropolitan affiliation is generally preferable. I ague that this is problematic, but not because this literature has not been important. It has indeed led to valuable insights about how alternatives to independence may promote self-determination (e.g. Rezvani, 2014; 2016) and highlighted a range of other benefits (Armstrong and Read, 2000; Bertram, 2004; McElroy and Sanborn, 2005; McElroy and Pearce, 2006; Dunn, 2011; McElroy and Parry, 2012; Overton et al, 2012). However, it has led to only half a picture being painted. For the very smallest territories, comparisons to full independence and the question of whether independence or affiliation is "better" may not be that relevant at all. Given the challenges associated with independent statehood for such territories, affiliation is likely to remain (at least for some time) the only seemingly realistic option in many cases. Concluding that this is satisfactory based on the fact that it is found to "beat" (Rezvani, 2016) another option that may jeopardise the very survival of a polity is not reasonable, and I argue that territory-metropole relationships and their implications for self-determination thus need to be assessed *in their own right.*

Instead of suggesting that one type of political status is desirable simply because it is found to outperform another, we should consider independently e.g. the extent to which it lives up to a certain ideal. Say most people would rather live with a controlling partner than be homeless – this would not take away from the controlling partner's actions being objectionable, or make the situation desirable in and of itself. It would only make it comparatively more desirable than an alternative that would most likely entail even more severe hardships. Regarding the topic of metropolitan affiliation, if researchers were to move past comparisons between non-independence and independence and towards theorising self-determination within metropolitan relationships, such discussions could serve to carve out a standard against which such arrangements can be assessed. Starting from the two

aspects of constitutive and ongoing self-determination, and based on the findings of the present thesis, I will seek to do just that below and in the following sections.

For a people to be able to freely determine "the nature of its own existence" (Rezvani, 2014: 45) and freely pursue its own social, economic and cultural development, metropolitan affiliation arguably needs to achieve two things: first, those living under such arrangements need to be able to see themselves as active "makers" of governing institutions that they can reasonably affirm as part of a shared project (Stilz, 2015), and that reflect their collective identities (Moore, 2016). As Stilz (2015) argues, the distinctive wrong of colonialism has been the denial of this aspect of being governed. Determining the nature of one's existence, then, requires that self-determination can be exercised in its constitutive aspect, here understood to mean a people's power to influence the governing institutional order under which they live.

Second, the governing order needs to be one that allows territory peoples to lead lives and make decisions that they can see as properly their own (Stilz, 2019; Nine, 2022). This relates to the ongoing aspect of self-determination, which requires that a governing order "be one under which peoples may live and develop freely on a continuous basis" (Anaya, 1996: 81). In this regard, metropolitan affiliation can certainly be advantageous in comparison to full independence if it, as argued by Rezvani (2014), generates resources and public goods that better allow a people to fulfil their self-interest. More resources, wealth and security equals better opportunities for effectively pursuing the goals that a people may have. With full independence but no resources or security, a people may be nominally and theoretically "free" to make whichever decisions for their development that they want, but in practice not able to act on any of those decisions.

However, it is not enough to observe that metropolitan affiliation tends to generate wealth- and security advantages relative to independence. The ways in which the features of such arrangements promote or undermine self-determination in its ongoing aspect, and relatedly the extent to which they allow groups to "identify with the procedures by which they come to make certain decisions and actions" (Nine, 2022:

188), matter too. Full independence but no resources or security is not desirable, but a wealth of resources used by an external group to implement their own ideas for the development of a territory without considering the interests of those living there is not either.

Based on a lack of radical constitutional change in the statuses of overseas territories in the past decades, Baldacchino (2010: 188) suggests that "island voters are not unduly frustrated or disappointed by what they have experienced." Just as the observation that affiliation "beats" full independence alone is not sufficient to draw further conclusions about the desirability of such arrangements in regards to self-determination (which requires that we assess them in their own right), I argue that the observation that major constitutional change has not occurred is insufficient for drawing similar conclusions. In the BVI and Anguilla, interviewees were well aware that the metropole has "removed the options of free association and integration from the negotiating table" (Corbin, 2009b: 93-94).[91] Options 2 and 3 listed in the introduction to this chapter would thus not be attainable in these cases, at least with the UK. This would then leave us with either independence (Option 1) or the vaguely defined "any other status" (Option 4) as a possible way to exercise a right to self-determination as defined by the UNGA. While the latter opens up for endless possibilities in theory, it has been little discussed (Perham, 2013), with the C24 remaining focused on the first three options comprising what Yusuf and Chowdhury (2019a: 459) refer to as a "straightjacket of categories." With Option 4 being so vaguely defined and rarely discussed in international decolonisation forums, it becomes difficult to begin to imagine what this could consist in.

For Anguilla, arguments raised by interviewees against full independence included that this would mean a loss of significant metropolitan support and security; for the BVI it would mean a loss of

[91] The free association option being rejected by metropolitan officials was also a point raised by Guam representative Melvin Won Pat-Borja at the 2019 C24 regional seminar ("… several Federal officials have opined that there will never be another freely associated relationship with the United States, therefore FA should not be a viable option").

security as well as the potential loss of one of the main pillars of the economy (financial services) where the UK link has served to build credibility. In both cases, the risk of a transfer to independence leading to heavy dependence on other, larger states given the small sizes of the OTs was highlighted (although some argued that this would, at least, give OTs the opportunity to determine with whom to have dependency relations, as opposed to being dominated by the British metropole). If independence is the only available option for "major constitutional change," and if the electorates consider this to be unfeasible, it should not be surprising such change has not been pursued. This fact alone, again, does not reveal much about how present constitutional arrangements are experienced, or how they are thought to relate to and impact on self-determination.

The empirical analyses of this thesis show that arrangements for metropolitan arrangements overall remain contested and criticized to a high degree in NSGTs. The image of affiliation as constituting a "best of both worlds" can be challenged considering numerous references made in the material used in Chapter 4 to "second-class citizenship," "colonialism" and negative impacts believed to stem from the metropolitan link, with limited influence for NSGT peoples in relevant decision-making processes (see also Wangmar and Mörkestam, 2025). This image was further reinforced by the findings of the case studies of the BVI and Anguilla, where these topics were studied more in-depth. The findings suggest that while metropolitan affiliation may promote self-determination in theory, present arrangements are often not thought to achieve this. They also demonstrate the importance of, as Nine (2022) stresses, the *nature* of an intergroup relation for the exercise of self-determination, not its mere existence. While previous, statistical studies comparing independence to affiliation have tended to focus on the very existence of metropolitan relationships, and the ways in which this may generate relative advantages, this thesis showcases the necessity of considering the natures of such relationships.

In the following sections, I will continue to engage with academic debates on metropolitan affiliation, and particularly ideas such as "islandian sovereignty" (Prinsen and Blaise, 2017) and "partial

independence" (Rezvani, 2014). As the former is thought to be closely related to constitutive self-determination, I will discuss it in the section below, where I also present and argue for a conceptualization of such self-determination within territory-metropole relationships.

9.2. Constitutive self-determination

Regarding the constitutive aspect of self-determination, as Chapter 8 has shown, modifying the governing order has been possible to an extent through constitutional negotiations and -advancement in the case of the BVI, and to a far lesser extent in the case of Anguilla where it can be noted that the 1982 Constitution was not preceded by any consultation with the public (Mitchell, 2007: 39-40), making it questionable whether the Anguillian people can at all be considered as having participated in shaping the present constitutional order.

In both cases, however, the metropole being ultimately responsible for the OTs and the managing of contingent liabilities has led to limitations regarding what changes can be negotiated. On several occasions, reductions in the powers of Governors, or the ability to elect the Governor rather than having this be an appointed position with no democratic accountability, have been raised as key desires held by OT peoples in regards to constitutional change. Yet, this has been considered incompatible with the upholding of the UK's responsibilities and, as the metropole ultimately sets the parameters for negotiations and "always retains the authority to accept or reject the territory's suggestions" (Corbin, 2009a: 263), these cases highlight an important limitation in relation to the otherwise promising concept of "islandian sovereignty" (Prinsen and Blaise, 2017). Just as Nine (2022: 188) argues, on self-determination as functional autonomy in the context of intergroup relations, that the *nature* of the relation, not its *existence*, is what matters, it can be argued here that is not only the frequent occurrences of constitutional negotiations that matter for constitutive self-determination, but the nature and parameters of those negotiations and who sets them.

Consider a case where the people of an OT see it as highly desirable and important to substantially change Feature A of a constitutional arrangement, but due to the parameters pre-set by the metropole determining that this feature is not open to change, OT representatives are only able to engage in negotiations regarding changes to Features B and C. These changes are considered less substantial, less prioritised, less important but nevertheless desired. If the OT's representatives manage to successfully negotiate changes to Features B and C, and if these changes are considered as being "to their own advantage and on their own terms" (Prinsen et al, 2017: 342), this could be taken as an indication that islandian sovereignty has been exercised. The constitutional arrangement has been altered, to the advantage of the OT and following negotiations where its leaders were actively involved. However, the very fact that Feature A was never on the table in the first place is arguably also relevant to a discussion on what this negotiation means for OT peoples' abilities to exercise constitutive self-determination (closely related to constituent power as well as sovereignty, as constituent power can be understood as an "element of sovereignty", Colón-Ríos, 2023).

Discussing "islandian sovereignty," Ferdinand et al write:

> While the evidence presented by Prinsen is solid and actually coincides to a large degree with our findings, we do question whether this is the entire story, and particularly whether the 'success' Prinsen ascribes to the agile politicians in the non-sovereign territories is really that representative both for what is actually happening and for what politicians and the electorate actually make of the circumstances. Bearing in mind the bitter complaints and genuine fear of 'recolonization' and/or being left behind in many of these territories, we argue that the conclusion that these postcolonial relationships are being "redefined on – mostly – islanders' terms" […] is stretching the argument too far. (Ferdinand et al, 2020: 61)

The present thesis offers one possible explanation as to why dissatisfaction and fears of re-colonisation are still prominent in non-independent island territories despite their leaders' supposed success in negotiating constitutional changes – namely that the most important

changes, in the eyes of territory communities, may not be open to negotiation at all. The ability to exercise constitutive self-determination and truly be a maker of the governing institutional order is thus still importantly restricted.

In the case of the British OTs, this becomes even more significant if one considers how the metropolitan position has left the territories with two options: independence or (largely) status quo. While integration was not considered a desirable option by any of the interviewees in the BVI nor Anguilla, several expressed that they would be in favour of a relationship of free association with the UK, which would allow them to draft their own constitutions. However, the metropolitan position has been that this is not possible, as it would mean in practice that the metropole remains responsible for territories over which it would have far less control. This concern is valid, however it is not sufficient to argue that a retention of the status quo in perpetuity is thereby legitimate: firstly, as this would once again establish OT interests as subordinate to metropolitan ones, and secondly as the status quo, as shown in this thesis, contributes to violations of OT self-determination in its constitutive as well as ongoing aspects. While the latter will be discussed in the next section, this section will expand on the former.

As noted in Chapter 2, the UK Government's position on the OTs and their NSGT status has long been the following:

> Our Overseas Territories are British for as long as they wish to remain British. Britain has willingly granted independence where it has been requested; and we will continue to do so where this is an option. (FCO, 1999: 4).
>
> The UK believes that the UN's Decolonisation Committee (the C24) no longer has a relevant role to play in respect of our Territories. The British Territories on the Committee's list have a large measure of internal self-government and have all chosen to retain their link to the UK. In the UK's view, all our Territories should have been delisted a long time ago. (FCO, 2012: 84)

It has been suggested that the UK Government should reconsider its position on free association and undertake further research into whether progress towards such relationships, and more fundamental

constitutional change regarding the OTs, would be possible (Clegg et al, 2023). Based on the shortcomings of present arrangements, the findings of this thesis lend further support to this suggestion.

In a way, I would also argue that the metropolitan position on the OTs, while clearly recognising their right to self-determination and independence, has served to let the metropole somewhat "off the hook" in regards to the safeguarding of constitutive self-determination *within* a continued relationship. If the OTs may at any time separate, with the full support of the metropole, this could give rise to the illusion that the present arrangements are voluntarily chosen by OT peoples (as described by an academic in Anguilla, "people assume you're in that relationship because you want to be," Interviewee 2). As demonstrated in Chapter 5, this has also led to discussions about self-determination in the territories being mostly about independence, which in turn is not favoured by any majorities.

Imagine a scenario where Person A kidnaps Person B and forces them into an underground bunker. The bunker is locked from the outside for many years, during which Person A provides Person B with the necessities for survival but also abuses them, forces them to work on improvements and developments of the bunker, and forces them to live entirely according to rules set by Person A. Years later, the zombie apocalypse has occurred and the outside world has become inhospitable and dangerous, especially for someone who has been locked away for a long time without the opportunity to form connections with others, accumulate resources and build a secure bunker of their own. Person A then announces that the door to the bunker is no longer locked from the outside and Person B is free to leave at any time – they will even be given some supplies for the road. Person B is now "free" in theory, yet unlikely to survive on their own outside of the bunker. The bunker may even be preferable at this point, given the security that it offers. Is it enough for Person A to affirm that Person B is free to leave, but continue to manage the bunker in accordance with their own rules and interests, forcing Person B to abide by them for as long as they stay because they are now supposedly doing so voluntarily?

Most would probably agree that this would not be just given the risks that leaving would entail for Person B, and that it would be more reasonable to expect Person A to allow Person B to have, at least, an equal say in the rules that govern life in the bunker for as long as they may stay. Some could even argue, based on the fact that Person B has been forcibly taken, abused, and their forced labour used for developments of the bunker, that they should have an even greater say in determining this order (consider e.g. how Aimé Césaire and Leopold Senghor during the early years of post-WWII decolonisation believed that colonial peoples should have a claim to the French society and the right to fundamentally "re-constitute" the metropole itself, Wilder, 2015). This demonstrates the shortcomings of simply offering a choice between independence and, largely, status quo, and its implications in terms of seemingly absolving the metropole of responsibilities that it should reasonably have to develop relationships that better allow OT peoples "maker freedom" (Stilz, 2015).

Aside from a reconsideration of the free association option, which would entail that OT peoples "have the right to determine [their] internal constitution without outside interference" (GA Res 1541, VII(b)), the promotion of constitutive self-determination for OT peoples in a continued relationship with the metropolitan state would require reconsideration of how constitutional negotiations are undertaken, and who holds power in these procedures. As one Anguillian lawyer and activist expressed, "just the concept that you don't have that partnership in power where there are dual persons […] even one from your side and one from my side who holds this power, […] is you're starting on the position of inferiority and superiority" (Interviewee 15). Ypi (2013) defines the distinctive wrong of colonialism as its "embodiment of an objectionable form of political relation," emphasising that reciprocity in political association can only be realised if political institutions are established to allow people to relate to each other as equals, and to have their voices be equally heard and their claims equally taken into account in decision-making. The analysis of UK-OT constitutional negotiations and supposed "partnerships" points to shortcomings in these regards.

Even if negotiations do take place, and even if they do so frequently, as observed by Prinsen and Blaise (2017), NSGT peoples will still be participating in them from a subordinate rather than equal position if their terms are set by the metropole alone. Corbin (2009a: 263) has previously noted that "[t]he prevailing process finds the UK drafting the final constitution for the territories following varying degrees of consultation with the political leadership in the territories with essentially pre-set parameters," with the metropole ultimately retaining the power to accept or reject suggested changes. Based on the findings of this thesis, this has remained the case. Such a situation runs counter to the ideal for the exercise of (Indigenous) constituent power[92] in multi-people states outlined by Beckman et al (2022: 15; see also Mörkenstam, 2015), namely that this needs to be "premised on negotiations between sovereign equals about the constitutional arrangements that govern their co-existence."

For this to be realised in UK-OT relationships, unless the metropole reconsiders its position on free association, the process of negotiating constitutional frameworks needs to be one where the OT and metropolitan peoples are recognised and participate as equals. This would not go as far as to let OT peoples determine the constitutional order "without any outside interference," as in a free association relationship, seeing as it would still be a negotiation between different peoples sharing a stake in the design of this order, but it would provide grounds for (possibly more fundamental) changes that better reflect the will of OT peoples. This would also then give OT peoples at least some level of constituent power in regards to modifying the governing orders under which they live.

[92] I argue that this should similarly apply to colonial peoples, as they (whether Indigenous or not) are also recognised as distinct peoples with self-determination rights, whose metropolitan relationships are direct consequences of colonialism. In these places, debates about identity and indigeneity have been frequent, as one interviewee in the BVI described: "It's a huge debate where the original argument is that we called ourselves Indigenous to the Virgin Islands, which we are not. […] But the whole idea of being Indigenous, it arose out of this need for us to maintain our identity." (Interviewee 8)

Based on the above discussion, I suggest an additional criterion for the emerging concept of "islandian sovereignty" as outlined by Prinsen and Blaise (2017) and Prinsen et al (2017), namely that aside from constitutional negotiations simply occurring, these negotiations need to be premised on a principle of recognition of metropolitan and territory peoples as sovereign equals, for them to clearly depart from the distinctive wrong of colonialism. Ypi's (2013: 187) argues that "if colonised people are forced to join a political association where the rules are established and maintained without their say, they are being wronged." While it could be questioned whether OT peoples are "forced to join" given their recognised right to separate from the UK (and given that the FCO has indeed characterised these relationships as voluntary partnerships), I maintain that the choice to remain affiliated as opposed to going independent alone is not enough to conclude that the association *in its current form* is the creation of OT peoples, nor that they currently have sufficient power to influence and affirm it.

In section 9.2.2. a proposed conceptualisation of constitutive self-determination and what it requires within territory-metropole relationships will be sketched out. First, however, the relationship between the constitutive and the ongoing aspect, and what this tells us about what actions metropolitan states should take towards NSGTs, will be discussed in light of the findings pertaining to constitutional suspensions in OTs.

9.2.1. "Forced marriages" and suspended constitutions

Are violations of constitutive self-determination justified if they lead to better prospects for ongoing self-determination? Chapter 4 and Chapter 8 in particular identified instances of unilateral metropolitan suspensions of (parts of) NSGT constitutions as violations of constitutive self-determination, as such actions undermine the power of territory peoples to *uphold* their governing institutional orders. This, I argue should be as important to "islandian sovereignty" as being able to *modify* them, yet this aspect has been largely overlooked. Suspensions of OT constitutions on grounds of corruption allegations have been enacted by the UK towards the TCI, and a present Order in

Council also enables the metropole to similarly suspend the constitution of the BVI if this is deemed necessary to address governance problems. OT representatives have levelled strong criticism against this practice when addressing the UN decolonisation committees (Chapter 4), and interviewees in both the BVI and Anguilla criticised the Order in Council authorising the UK Government to suspend the VI Constitution, arguing that this threatens self-determination and poses "serious questions about the human rights of the citizenry of the British Overseas Territories" (Interviewee 10).

Ypi (2013: 186) holds that "even colonialism of a benign sort (the colonialism of humanitarian interveners, say) should be considered a wrong of a distinctive kind," in its failure to respect equality and reciprocity in the creation of its norms and governing principles. To illustrate this, she uses the following scenario:

> Suppose your ideal of marriage is one in which you are allowed to choose your life partner, and in which you have an equal say on how you ought to live together. Suppose you find yourself in an unhappy marriage your parents have arranged for you. Your partner drinks, hardly listens to you, and rules the household with an iron fist. Your parents realize they were wrong to force you into this partnership and claim to have found a way out for you, one that requires terminating the present marriage (with some cost involved, however little) and forcing you into another. The second candidate is richer, more handsome, more sophisticated, and on the whole has a better reputation. Is the fact that the second marriage offers seemingly better prospects any less wrong than the first? I believe it is not. The reason is that in both cases you are not allowed a say in whom you ought to marry and the conditions according to which life together should go. This is not to deny of course that the second husband is better than the first. But the question of what is wrong with forced marriage is distinct from the question of which husband is better. (Ypi, 2013: 185)

Ypi's point with the above analogy is to demonstrate that the questions of domestic oppressive institutions and colonialism are separate, and that the distinctive wrong of the latter is the unilateral imposition of a governing order on a people, regardless of the aim or consequences of

said order. This closely reflects Stilz' (2015: 8) discussion on the importance of being a "maker" rather than merely a "taker" of the institutional order under which one lives, and why even theoretically "benevolent" forms of colonialism would be morally wrong for this reason. Ypi's analogy also appears to mirror the concepts of constitutive ("choosing your life partner") and ongoing ("having an equal say on how you ought to live together") self-determination. In an NSGT case, this would then be akin to choosing your constitution or constitutional arrangement, and having the ability to self-govern and freely pursue development under that arrangement.

One can note that Ypi (2013: 185) suggests in the above quotation that "*in both cases* you are not allowed a say in whom you ought to marry and the conditions according to which life together should go." I believe that part of this argument could be challenged if more is revealed about the second candidate in the example. It is stated that the first candidate "hardly listens to you, and rules the household with an iron fist," which clearly undermines the abilities of the spouse to have a say in the conditions according to which life should go. The second candidate being rich, handsome or sophisticated is arguably of little relevance in this regard, however if he is willing to listen, compromise and agree on how life together should be conducted, this would imply that the spouse *would* have a say, still not in whom they ought to marry, but in the conditions for day-to-day life once in the marriage. The point of highlighting this, in relation to NSGTs, is to raise the question of whether a violation of constitutive self-determination, then, can be warranted if this leads to better prospects for ongoing self-determination (e.g. by strengthening good governance).

If the parents choose a new life partner for their child who actually offers better prospects for having a say in everyday life, are they right to do so? Or, if the metropole suspends a territory constitution in order to enact reforms to combat corruption and mismanagement, which then leads to better opportunities for more democratic self-government and thus ongoing self-determination, is this justified? In the final report for the COI conducted on the BVI, Commissioner Gary Hickinbottom indeed wrote, on a recommended suspension:

> It is only with the most anxious consideration that I have been driven to the conclusion that such a suspension is not only warranted but essential, if the abuses which I have identified are to be tackled and brought to an end. These are abuses against the people of the BVI. If they are allowed to continue, then, in my view, they would put at severe risk steps towards self-determination as a modern democracy to which they are entitled and wish to take. Let there be no doubt – I have not recommended suspension of part of the Constitution to frustrate the hopes and wishes of the people of the BVI, but rather to enable them to fulfil those very aspirations. They deserve no less. (Hickinbottom, 2022: 10)

The above reasoning suggests that an imposition of direct rule by the metropole is justified on grounds of its supposedly promoting self-determination by strengthening necessary "modern democratic" institutions. What it appears to overlook, however, is the constitutive aspect of self-determination in itself being directly violated in such a process. If self-determination is understood as encompassing both an ongoing and a constitutive aspect, this recommendation then paradoxically implies an *undermining* of self-determination in order to *promote* self-determination. Reasonably, this would only be acceptable if the ongoing aspect of self-determination were to be considered more important than the constitutive aspect.

Anaya (1996) offers no such ranking of one aspect over the other. If one considers Stilz' (2015), Ypi's (2013) or Moore's (2016) discussions on the wrong(s) of colonial rule, all agree that a distinctive wrong of colonialism lies in political domination, or the inability of colonial peoples to affirm their political institutions (Stilz, 2015) and to thereby have governments "that they could identify with as theirs" (Moore, 2016: 454). While they differ in that Moore emphasizes the importance of governments being reflective of *collective* identities and -aspirations whereas Stilz views "maker freedom" primarily as an *individual* freedom, a common denominator is the recognition of the key value in being able to affirm and identify with the governing institutions under which one lives, as opposed to having them be imposed. This, in turn, would clearly be in the domain of constitutive self-determination. Ypi's, Stilz' and Moore's discussions thus all help to shed light on the

importance of this aspect. Based on their arguments, the more important aspect (if there should even be any way of, or point in, ranking them) if anything would be the constitutive, seeing as a violation of this in particular would be an expression of colonialism's distinctive wrong.

Further, in Chapter 3 I argued that while both ongoing and constitutive self-determination have intrinsic value, constitutive self-determination also has instrumental value in realising and upholding ongoing self-determination, which would constitute another argument as to why this aspect is particularly important.

I believe that the ability of metropolitan actors to argue, seemingly paradoxically, for an undermining of self-determination as a way to promote self-determination stems from the core problem of the concept being ill-defined. This allows for anyone to possibly turn a blind eye to its constitutive aspect within territory-metropole relationships (and one can always argue that the right to "freely choose a political status" is already fulfilled given the legal right to go independent and abandon the relationship altogether), and focus exclusively on the importance of, and the metropole's role in ensuring, good governance for its ongoing aspect. Granted both are important, but the theoretical literature on decolonisation does not offer any support for prioritising ongoing self-determination over constitutive self-determination, or violating the latter in favour of the former. Further, as the addresses to the UN decolonisation committees as well as the interviewees' responses show, potential or actual suspensions of territory constitutions have been viewed as setbacks and subversions of self-determination (John J. Malcolm, C24 regional seminar 2022), and as threats to political freedom (Benito Wheatley, C24 regional seminar 2024).

To come back to Ypi's forced marriage analogy and the claim that "in both cases you are not allowed a say in whom you ought to marry and the conditions according to which life together should go" – as mentioned, I think that one could counter this by pointing out that the parents' selection of a new life partner for their child *can* possibly imply greater prospects for having a say in "the conditions according to which life together should go," if the second candidate is more willing to listen and compromise than the first. However, it is still wrong. Even if this

action leads to a greater chance of being listened to day-to-day once in the new marriage, the parents are still fundamentally depriving their child of the right to choose a life partner for themselves, based on their own priorities and what would truly make them feel at home. Similarly, if direct metropolitan rule is imposed on a people, their right to constitutive self-determination in affirming and upholding their own governing institutions is violated by that very action in itself, regardless of both its intention and outcome.

For a unilateral, metropolitan suspension of a territory constitution to be said to promote self-determination, two things need to be true: first, as mentioned, we need to establish that the ongoing aspect of self-determination somehow trumps the constitutive aspect in value, motivating the sacrifice of the latter for the good of the former. As established above, it is difficult to find any support for this. Second, suspension needs to be the only way in which (ongoing) self-determination can be promoted, which would then also motivate such a sacrifice. Regarding this, addressing governance issues in ways that do not violate constitutive self-determination is theoretically and empirically possible. Combating corruption and other forms of abuse of power is certainly challenging, and perhaps particularly in small-scale polities where problems relating to patronage, clientelism, and nepotism may be exacerbated (Erk and Veenendaal, 2014). Still, countries such as Botswana, Singapore, South Korea, Liberia, Estonia, and Hong Kong have all been successful in significantly reducing levels of corruption, where political leadership and pressures from civil society tend to be highlighted as key factors (Terracol, 2015). While there may be specific governance challenges stemming from e.g. the small sizes and/or colonial legacies of NSGTs, and while metropoles do have responsibilities in addressing such challenges, this should not come at the cost of constitutive self-determination.

In a case such as the BVI today, even if a territory constitution has been reviewed and reformed over time, informed by the people's views to better reflect their collective priorities, it may still be unilaterally suspended and the governing order disrupted and replaced by "external" forces (external in the sense that BOT inhabitants do not have formal

representation nor voting rights in the political institutions of the metropole, and do not tend to identify as "British"). Thus, there are no guarantees that a metropolitan relationship, constitution or governing order, even if it *has* been negotiated and reshaped on the NSGT people's "own terms" (Prinsen and Blaise, 2017), will in fact be sustained. This violates Nine's (2022: 191) criterion of *non-precarity* as a prerequisite for self-determination as functional autonomy, with precarity here being understood as "situations where dependent relations are unpredictable, fragmented, and uneven" (2022: 192) which would undermine a group's capacity for autonomous, long-term planning. Apart from the lack of participation in decision-making processes that impact on BOT peoples (Bosque, 2020), and apart from the persisting power imbalances in constitutional negotiations described above, this is another important shortcoming of "islandian sovereignty" (Prinsen and Blaise, 2017) as the situation stands today.

My conclusion, then, is that an understanding of self-determination that recognises and places equal value on its constitutive and ongoing aspects, and that delegitimizes violations of either, is needed to protect NSGT peoples' abilities to not only modify and reshape, but to also uphold, their present institutional orders and constitutions without unilateral changes or impositions from the metropolitan side. With such an understanding, suspensions of territory constitutions to impose direct rule would not be permissible as this clearly and directly violates (at least) one of the two key aspects of self-determination. A search for alternative solutions to address governance issues where needed would be necessitated, and such solutions would further need to be developed within certain boundaries determining what actions involved actors can or cannot justifiably take for self-determination to not be violated.

9.2.2. Breaking down constitutive self-determination for NSGTs

Based on the findings and discussions in this and previous chapters, I propose that constitutive self-determination for NSGTs be conceptualised as illustrated in *Table 5*. This builds on Anaya's (1996) idea of self-determination as having a *constitutive* and an *ongoing* aspect, but provides an elaborated framework of the former where four

areas pertaining to a people's power in regards to the *creation*, *modification*, *upholding* and *ending* of the governing institutional order are identified as key for constitutive self-determination. Contrasting NSGTs with independent states, I suggest that there is an original power imbalance inherent in the *creation* of territory-metropole relationships which poses specific challenges to self-determination. Related to this, I also suggest that despite rather optimistic ideas being articulated in previous research, there are still limitations regarding NSGT peoples' abilities to *modify* their present governing orders and constitutional relationships (evidenced in e.g. interviewees' and NSGT representatives' pointing to desired changes not being subject to negotiation due to the position of the metropole, with the original power imbalance persisting); that there are particular challenges and present threats to *upholding* them, related to the powers of metropoles to take unilateral action, and; that there is a legal right to *end* them for all NSGTs given their recognised right to independence, but that this also needs to be feasible in practice for it to truly be considered an option.

The prospects for an NSGT to realistically separate from the metropole at a particular point in time need to be considered – and not just in terms of the legal right to do so – since this matters in regards to the importance of being able to modify and uphold the present governing order. If the NSGT would face no issues or risks in surviving as an independent state, then retention of the metropolitan relationship could indeed be viewed as voluntary. The abilities of the NSGT people to modify or uphold their present constitutional relationship, while important, would then not be *acutely* important for constitutive self-determination, seeing as there would be a viable alternative. However, if a transfer to independence would imply significant risks to a people's very survival (basic wellbeing, security), then the powers to modify and uphold the present constitutional relationship become *acutely important*, because in reality then becomes the only way (at least at that point in time) to exercise constitutive self-determination.

Table 5. Constitutive self-determination

Constitutive self-determination, preconditions for NSGTs	
1. Have the people *created* the governing institutional order?	➢ True for independent states; not true for NSGTs. A characteristic of NSGTs that poses specific challenges to self-determination is that territory-metropole relationships were never mutually created but imposed by the colonizing state. This inevitably implies an *original power imbalance* that needs to be addressed if relationships are to persist.
2. Can the people *modify* the governing institutional order?	➢ True for independent states; limited for NSGTs but theoretically possible under truly equal relationships. This presupposes relationships of equal and mutual recognition through which "nation-to-nation" negotiations over constitutional changes can take place. It is thus imperative that the original power imbalance is not reflected in such negotiations. If it is, with e.g. the metropole dictating the terms for what may or may not be subject to modification, this significantly weakens "islandian sovereignty" (Prinsen and Blaise, 2017) and constitutive self-determination.
3. Can the people *uphold* the governing institutional order?	➢ True for independent states (except, of course, in cases of foreign annexation); not true for NSGTs *if* unilateral constitutional suspension or -modification by the metropole is a possibility. Unilateral changes to a territory constitution/constitutional relationship by the metropolitan state are not consistent with constitutive self-determination, as this alters the governing order without the consent or participation of those living under it. For constitutive self-determination, it is critical that changes to the territory-metropole relationship cannot be unilaterally imposed, as such actions (whether they be potential or actual) severely undermine this aspect.
4. Can the people *end* the governing institutional order?	➢ True for independent states;[93] true for NSGTs although differences between legal power/rights and practical power need to be considered. NSGT peoples have a right to independence. However, exercising it is made difficult in practice *if* the costs of independence are considered too steep. NSGT peoples should only be considered as actually having the power to sever their metropolitan ties in cases where separation is both a legal option and feasible in practice. The legal right to separate alone thus is not sufficient to argue that present relationships are voluntarily kept in place. If *ending* (4) them is not feasible at a particular point in time, the importance of being able to *modify* (2) and *uphold* (3) these arrangements, and of resolving the original power imbalance stemming from their *creation* (1), becomes even more acute for self-determination. The possibility of ending them at a future point, at which this is considered feasible, does not negate this.

[93] Although unlikely, voluntary dissolution can and has occurred in independent states, e.g. Czechoslovakia in 1992.

The UK Government has framed contemporary UK-OT relationships as voluntary partnerships and argued for their de-listing as NSGTs based on the observation that constitutional ties have not been severed while there is a *legal right* for OTs to go independent. In the conceptualisation of (constitutive) self-determination that I propose, this is not enough to conclude that a people truly have the power to end their governing institutional order, since practical aspects and costs also need to be considered. If there is a legal right *and* prospects for surviving reasonably well as an independent state, metropolitan affiliation can be considered voluntary. However, wherever this is not the case, it is imperative that NSGT peoples have the power to modify and uphold their governing arrangements within frameworks of metropolitan affiliation. This requires relationships where the original power imbalance is addressed; where NSGT peoples can thus negotiate and be recognised as sovereign equals to the metropolitan state (Beckman et al, 2022; Mörkenstam, 2015), and; where there are clear limitations as to how each partner may act so as to not violate self-determination. As the previous chapters have shown, there is presently more to be desired in these regards.

The aim of this thesis has decidedly not been to compare NSGTs to independent states, based on the limitations of such approaches that have been discussed above. However, in the table above I have briefly included independent states as a point of contrast for each key area, in order to better highlight what particularities characterise pursuits of self-determination in NSGTS. This also allows me to somewhat speak to Rezvani's (2014; 2016) argument about "partial independence" having self-determination advantages over full independence. Rezvani's points about metropolitan affiliation putting territories such as the BVI, the TCI, Bermuda, the Cayman Islands, New Caledonia, and French Polynesia (Rezvani, 2016: 275) in comparatively favourable positions by providing them with public goods and expanding their opportunities and capabilities for pursuing different courses of action (e.g. innovative policies) are convincing, and also supported by many of the NSGT representatives' addresses to the UN committees analysed in Chapter 4 (although others also raised critical

points concerning who controls and enjoys the benefits of development). However, I believe that they are mainly paying attention to the ongoing aspect, while somewhat overlooking the constitutive. If we conceive of the constitutive aspect as equally important to the ongoing, the image of these territories and their supposed self-determination advantages becomes more ambiguous.

Rezvani holds that, unlike colonies, "PITs possess credible guarantees against the arbitrary usurpation of powers that have been surrendered to them," (2016: 281) and that "[if either party to the arrangement can unilaterally usurp, change, or alter a territory's status by fiat, and/or without great difficulty, it can neither be a partially independent arrangement nor can there be real self-determination" (2014: 100), which does speak to the constitutive aspect of self-determination and pertains to what I have identified as the key question of *upholding* the governing institutional order. However, as this thesis has shown in the cases of the TCI (actual constitutional suspensions, discussed in Chapter 4) and the BVI (potential constitutional suspension, discussed in several chapters), both being classified by Rezvani as PITs, this understanding can be challenged. Of course, it matters how "arbitrary usurpation" is defined here, and if the imposition of direct rule by the metropole on grounds of serious governance problems should count. Still, the accounts by NSGT representatives and interviewees clearly show that such practices are experienced as colonial and as undermining the self-determination of territory peoples.

As one academic in the BVI described, raising the question of whether the VI Constitution could at all be viewed as a "real" constitution seeing how it may be suspended without the territory's people having any say: "It becomes a bit of a theatre" (Interviewee 10). This highlights that while the "half-way house between independence and integration" (Aldrich and Connell, 2020: 425) that metropolitan affiliation is often thought to represent can deliver important benefits related to citizenship (e.g. ease of travel), security, support and reputation, along with a degree of autonomy, it also risks leading to a blurring of concepts such as "constitution," as well as "citizenship" (discussed further in the next section). This in turn leaves territories with versions of these concepts

that would arguably not be accepted elsewhere, e.g. a constitution that may be suspended by an external government where the people have no democratic say, or a national citizenship that is decoupled from the right to vote or otherwise participate meaningfully in decision-making (Fuentes-Rohwer, 2008; Lin 2019). The current "half-way house" may be preferable to full independence or full integration for various reasons, but no one wants to live in a half-way democracy.

As concluded in the previous section, violations of constitutive self-determination for the sake of improving prospects for ongoing self-determination should not reasonably be seen as permissible. In contrast to Rezvani, I suggest – based on past and present actions by the UK towards the TCI and the BVI in particular, but also on discussions concerning the UK metropole's general powers to unilaterally legislate for OTs – that contemporary metropolitan affiliation risks being experienced as limiting and threatening rather than promoting self-determination in its constitutive aspect, even in PITs. The reason for this is that such violations do happen.

I would argue here that both *actual* unilateral actions by the metropole to alter the governing institutional order (e.g. suspensions of territory constitutions) and the *possibility* of such actions being taken (because the arrangements allow for it) should be seen as undermining constitutive self-determination for NSGTs. Even if the metropolitan government chooses not to take such actions – and it may very well be reluctant to, either for fear of backlash or because metropolitan officials are genuinely sympathetic to the rights and interests of territory peoples – it remaining a possibility means that an NSGT people can never fully rest assured that their governing order will remain, and be changed only with their participation and consent. The next government may not be as sympathetic or as afraid of public backlash, and the very possibility of unilateral action being taken thus puts NSGT peoples in a perpetual state of uncertainty and subordination. What is required to prevent this, then, is either separation or a framework for affiliation that clearly does not allow for unilateral impositions by one party to change the governing institutional order without the consent and participation of the other. If this condition is fulfilled, the NSGT people is able to

uphold the present order in a way that better safeguards constitutive self-determination.

In sum, this section has identified present problems related to the constitutive aspect of self-determination for NSGTs, and offered a conceptualisation and elaboration of Anaya's framework where the concept is further broken down into four key, interrelated areas. This conceptualisation is partly based on theoretical discussions about constituent power and "maker freedom", and partly on the empirical analyses presented in the previous chapters. Through a breaking down of the concept of constitutive self-determination, this thesis is able to speak to and partially challenge some of the previous writings which have so far offered the most elaborated arguments for metropolitan affiliation as having distinct self-determination advantages: Rezvani (2014; 2016) and Prinsen and Blaise (2017). The former's argument for "partial independence" is mainly based on the provision of a range of public goods from a larger state facilitating a wider range of actions and directions for development, which I argue is valid but also overlooks problems related to the constitutive aspect of self-determination. The latter indeed speaks mainly to the constitutive aspect in suggesting that territory leaders are continuously and successfully re-negotiating their metropolitan relationships. However, I argue that the power dynamics of such negotiations also need to be considered, particularly given the original power imbalance inherent in these arrangements. A criterion of equal recognition needs to be met in order for us to truly say that NSGT peoples hold the power to modify their governing institutional orders in *substantial, fundamental* ways.

I do believe that a conceptualisation of constitutive self-determination as depending on a people's power to create, (substantially and fundamentally) modify, uphold and (legally and feasibly) end their governing institutional order/constitutional relationship as described above can be seen as complementary to, rather than negating, ideas about islandian sovereignty and/or partial independence. These should still be theoretically achievable, and if so affiliation could indeed offer valuable alternatives for distinct peoples with self-determination rights, particularly where scepticism remains against full independence. What

this thesis has shown, however, is that there are currently limitations that need to be addressed for metropolitan affiliation to be consistent with constitutive self-determination as envisioned here. The distinctive wrong of colonialism, understood broadly as political domination in both Ypi (2013), Stilz (2015) and Moore (2016), is still present in some rather significant ways in both the BVI and Anguilla, and would be so to a greater or lesser degree in other cases depending on metropolitan states' powers to unilaterally alter arrangements or to retain a superior position in processes of modification.

9.3. Ongoing self-determination

In this section, I will begin by proposing a conceptualisation of the ongoing aspect of self-determination and its requirements, based on the finding that the key elements of *non-discrimination, cultural integrity, land and natural resources, social welfare and development*, and *self-government* (Anaya, 1996) relate to each other in particular ways. This is then used to discuss contemporary territory-metropole relationships and whether the "creative" governing arrangements that characterise them can be said to promote or undermine self-determination.

9.3.1. A hierarchy of elements

Here, I propose a conceptualisation of ongoing self-determination as consisting in a relationship between the five elements listed by Anaya (1996), which have guided much of the empirical chapters. Based on the empirical analyses, I conclude that these elements/norms are indeed useful for understanding what self-determination can mean for colonised peoples, as they have been for Indigenous peoples. While there has been a need to develop concepts of Indigenous self-determination based on the premise that many Indigenous peoples will remain within the boundaries of existing states (given that their recognised rights to self-determination typically do not amount to a right to secession, as this would break up the territorial integrity of existing states), this has not been the case for colonised peoples, who are still expected to choose a permanent political status from the options listed in the introduction to this chapter. With little progress being made

towards this in the past decades, however, I suggest that we can better understand NSGT peoples' rights to self-determination as consisting in both the right to choose a permanent political status, and (in the meantime) in the right to both constitutive and ongoing self-determination within their metropolitan relationships.

Given how problems related to different elements of self-determination, in the interviewees' accounts, consistently could be traced back to the political dimension (*self-government*), I propose that these elements be considered with reference to their values and roles in fulfilling each other. Below, I sketch out ongoing self-determination as a "hierarchy of elements," and then proceed to discuss what the ambiguous statuses of overseas territories mean for its fulfilment. While Anaya (1996) concludes that international norms pertaining to Indigenous peoples' self-determination generally all fall within the categories *non-discrimination, cultural integrity, social welfare and development, land and natural resources,* and *self-government,* he does not specify in detail the relationship between these elements. For a better understanding of what self-determination requires, I believe that there is value in theorising them as being connected. Figure 3 provides a visualisation of this as a form of hierarchy, which is explained below.

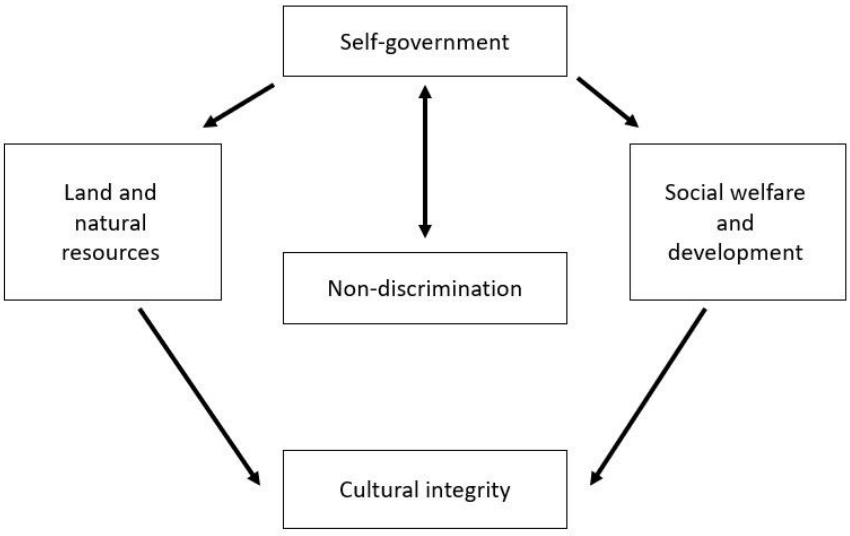

Figure 3. The elements of ongoing self-determination

This should not be taken to mean a "hierarchy" in the sense that some elements are normatively or intrinsically *more important* than others (and self-determining peoples certainly have rights to all), but rather in the sense that some are intrinsically important *while also instrumentally important* in the fulfilment of others.

On the *non-discrimination* norm, Anaya (2004: 19) notes that this "goes beyond ensuring for indigenous *individuals* the same civil and political freedoms or the same access to the state's social welfare programs accorded others within a state" to also uphold "the right of indigenous *groups* to maintain and freely develop their cultural identities." Åhrén (2016: 227) similarly describes how it has evolved to not only be interpreted in the conventional liberal and individual sense as "equal" treatment across the board (e.g. all schools providing education in the majority language only), but in a sense that promotes distinct groups' cultural distinctiveness and freedom from assimilation. He further suggests that this (evolved) interpretation of non-discrimination informs the land and natural resources element, in recognising that "indigenous communities' traditional land uses establish property rights to the same extent as land uses common to the majority culture" (2016: 233). This norm is evidently closely related to, and often seemingly bleeding into, other elements (e.g. as Anaya, 1996: 108, notes, part of the *social welfare and development* norm consists in addressing "the discrimination that has tended to exclude members of indigenous communities from enjoying the social welfare benefits generally available in the states within which they live").

Given that non-discrimination can be interpreted in different ways (Åhrén, 2016), I suggest that these interpretations become instructive for how other elements are approached. Ideas about what non-discrimination entails will specifically have implications for how *self-government* is institutionalised, and self-government then in turn serves to uphold (that interpretation of) non-discrimination. Defining what non-discrimination means in a certain context (equal treatment, differential treatment, or a combination) becomes a precondition for

establishing institutions that allow peoples to self-govern, and to in turn manage development, lands and resources in accordance with this.

In the analyses of the empirical material, most if not all grievances in relation to *land and natural resources, welfare and development*, and (consequently) *cultural integrity* could in some way be traced back to deficiencies in the *self-government* element. In a hierarchy based on what elements have instrumental value in fulfilling others, self-government would sit at the apex. If a people cannot maintain and develop their own institutions, and if they cannot effectively participate in decisions which affect them, they also cannot ensure that development processes will be "in accordance with their own collectively formulated priorities" (Anaya, 1996: 109), and they cannot "participate in the use, management and conservation" of land and natural resources (ibid: 106). The militarisation of Guam, discussed in Chapter 4, is a case in point, and interviewees in the BVI and Anguilla similarly stressed the importance of their perspectives being included in development processes.

Safeguarding a people's *cultural integrity*, if understood as the ability to freely exist and develop as a distinct culture free from attempts at assimilation, further requires some level of control over the use of *land and resources* as well as processes of *development*. These elements thus also have instrumental value. The example of French Polynesian representatives' accounts of the French-funded, but then also French-based, education system as threatening Indigenous lifeways and languages, discussed in Chapter 4, illustrates this. For the people of French Polynesia to ensure the survival of their languages, where this is not the priority of the metropolitan government, they need to be able to meaningfully participate in, and autonomously chart courses for, development processes pertaining to education. This was also evident with interviewees in Anguilla stressing the need for local perspectives being included in development processes, so as to not have projects be inconsistent with local lifeways and cultures.

While *cultural integrity* should be considered as having immense intrinsic value, it arguably does not have instrumental value in fulfilling

the other elements.[94] Being able to uphold cultural integrity then becomes something of an end goal towards which all other elements point. This makes sense if one agrees that the ultimate purpose of a people being able to exercise collective self-determination is for them to uphold and freely develop what it is that makes the people recognise itself; to be able to live in accordance with their collective values, priorities and principles, and to feel at home. This, then, motivates further why the other elements are important.

With this understanding of ongoing self-determination, we can identify how violations of one element also consequently lead to violations of others, and what becomes most essential for self-determination to be realised. Seeing as self-government directly impacts on opportunities for fulfilling other elements, a governing order needs to achieve this as an absolute, minimum requirement. If it does not, meaningful participation in development processes or control over the use of land and resources will not be possible, and the people will not be able to freely pursue their own social, economic and cultural development.

In the following section, I discuss these insights in relation to contemporary metropolitan affiliation in NSGTs, and thereby challenge some of the arguments that have been made in previous studies about the benefits of "creative" governing arrangements tying non-independent islands to their metropolitan states.

9.3.2. The problems of "creative" governance

This thesis has pointed to ways in which the in-between positions of the "strangely ambiguous territorial entities" (Hintjens and Hodge, 2012: 218) that are NSGTs/OTs create both opportunities and challenges in regards to self-determination, as viewed by those living under these arrangements. Overall, however, challenges were more prevalently highlighted by interviewees (Chapters 5-8) and NSGT representatives

[94] Of course, one could argue that being free from assimilation is required for self-government, and the relationship between the elements would then be circular rather than hierarchical. However, I would suggest that the aspect of being "free from assimilation" that matters in regards to self-government is already fulfilled with the self-government norm requiring that autonomous institutions can be upheld.

(Chapter 4), which serves as a caution against overly optimistic conclusions being drawn about contemporary metropolitan affiliation.

The *Insular Cases* of the early 1900s famously ruled that US unincorporated territories *belonged to* yet were not *part of* the United States (Burnett and Marshall, 2001). Similarly, no BOT is constitutionally a *part of* the United Kingdom, but each has a constitutional *relationship with* the United Kingdom, the sovereign power (Hendry and Dickson, 2018: 14). Non-independent island territories overall have been found to be particularly innovative in the design of governing arrangements tying them to their metropoles (Baldacchino and Milne, 2006; Baldacchino, 2010; Hepburn, 2012). This has in turn been suggested as a way to possibly "recraft," or invent new forms of, sovereignty (Hepburn, 2012; Baldacchino and Hepburn, 2012; Prinsen and Blaise, 2017). While such ideas could challenge the pervasive idea of the "territorially bounded, culturally homogenous, economically self-sufficient, liberal democratic state as a universal norm" (Bonilla, 2013: 153) and offer promising avenues for exploring self-determination outside of the C24's "straightjacket" (Yusuf and Chowdhury, 2019a), I will argue that creative governance and "in-between" positions also risk leading to specific perils and the rendering invisible of self-determination violations. In other words, there are potential downsides to creativity that require attention.

Melvin Won Pat-Borja, Executive Director of the Commission on Decolonization for Guam, is also known as hip-hop artist Mel the Angry Native. In 2025, he released the song "Nobody Knows," about Chamorro resistance and the impacts of colonial trauma. In it, he states:

> Volcanic, gotdammit go and get my belt
> The island look like paradise and feel like hell
> We are not American we just can't tell
> "Cuz they made us hate ourselves and love they wealth"

Aside from references to lingering, internalised racism (also highlighted in e.g. Bevacqua and Kuper, 2016: 258, discussing coloniser- and indigenous languages and how, following the end of WWII, "[r]acist ideologies of English language supremacy became commonly accepted" and "[p]arents did not speak Chamorro to their

children for fear it might divide their brain functions, weaken their intelligence, and erase their prospects for higher education and well-paying jobs"), two things stand out about the above quotation.

First, and important for methodological reasons, is: "The island *look like paradise* and *feel like hell*." In a strictly physical sense, many of the NSGTs are indeed tropical islands with beautiful plants and trees, coral reefs, and beaches - probably what a lot of people would think of when hearing the word "paradise." But, in a way that is more relevant to the topic at hand, non-independent island polities have also tended to be painted as something of a "paradise" with reference to their governing arrangements. Ideas about a "best of both worlds" have been influential and much of the previous literature has focused on identifying advantages stemming from the statuses of these polities in order to explain their propensity for retained ties. If one occupies an in-between position, there should theoretically be good opportunities for reaping the benefits from each side. This may certainly *look* like paradise. However, the "feel like hell" part reminds us of the importance of "hearing the voices" (Grydehøj, 2018) of those concerned.

As Baldacchino (2008: 39) writes: if island polities are studied on outsiders' terms, this amounts to a "removal of agency, cheating islanders of the possibility of defining themselves and of articulating their own concerns and interests." He describes how, to this day, "islanders appear to continue to suffer as the passive and unwitting 'objects of the gaze' of others," with island polities being either romanticised or banalized and "subsumed within a paradigm of structural deficiency" (ibid). This relates both to a tendency to render islands in particular symbolic, and to a general risk for researchers to assume the viewpoints of different peoples based on "the external observation of their practices" (Melissaris, 2004: 68). "The island look like paradise and feel like hell" thus points to the need for research on metropolitan affiliation to centre territory peoples' own views, because there may be significant discrepancies between how an arrangement looks, based on e.g. expectations following from statistical studies, and how it is experienced on the ground.

The second part of the quotation that stands out as important in relation to the topic of in-betweenness is: "We are not American we just can't tell." By now, all NSGT peoples with the exception of American Samoans have been granted the national citizenship of their metropolitan states.[95] While citizens in the French NSGTs have the same electoral rights as those in mainland France, as well as parliamentary representation, both the UK- and US-affiliated territories currently have limited versions of citizenship that do not entail voting rights in metropolitan elections or meaningful participation in decisions that impact on the territories. During the 2017 C4 annual session (3rd meeting), for example, Governor of Guam Eddie Baza Calvo stated that Guamanians were American, yet rights that other citizens would take for granted such as voting "for a president that sends us to war" remained "an impossibility."

"We are not American we just can't tell" could refer to the inferiority complex hinted at in the next line of the song, but it also could refer to the version of citizenship that Guam representatives have often criticized in addresses to the UN decolonization committees. That is, one that is decoupled from rights that most Americans would indeed take for granted, and that does not give Guamanians meaningful influence in decisions impacting on them, such as the military build-up. Similar arguments about metropolitan domination have indeed been raised by other NSGT representatives as well as in the field data from Anguilla and the BVI. The militarization of Guam and its consequences further illustrate how violations of the *self-government* element lead to detrimental effects regarding all other elements of self-determination, ultimately threatening the cultural integrity of the Chamorro people. If Guamanians are in practice "not American" in the sense of being meaningfully included in relevant decision-making processes, yet "can't tell" because they do hold the US passport and because the metropole regards them as simultaneously foreign and domestic (and has further withdrawn from cooperation with the C24, opposing UN

[95] American Samoans are US nationals but not US citizens.

incursions into "domestic affairs," Aldrich and Connell, 2020: 26), violations of their self-determination will be difficult to identify.

For ongoing self-determination, this thesis identifies two main perils related to "creative" governance and the ambiguous positions of NSGTs. First, and pertaining to the right to effective participation, in-betweenness leads to ambiguities and limitations concerning democratic inclusion on the metropolitan level. Hepburn (2012: 118) writes that islands "are becoming increasingly illustrative of the creative governance arrangements that many states have adopted in order to accommodate diversity." While relationships between islands and metropoles may indeed be crafted in innovative ways, and while they may benefit island communities in some important regards, it should not be forgotten that this also could result in questionable features that, in the worst case, undermine rather than safeguard self-determination. As Fuentes-Rohwer (2008: 1554) points out, no recognised model of citizenship "justifies the decoupling of voting from citizenship," yet this is the case with both US- and UK-affiliated NSGTs, whose peoples overall remain subjected to decisions in which they do not participate. The island may look like paradise, but innovative arrangements can also come with downsides if they lead to redefined versions of otherwise established institutions (e.g. citizenship), and especially if those institutions are connected to the exercise of fundamental rights.

Second, and pertaining to the upholding of autonomous institutions, in-betweenness implies uncertainties regarding who should make up "the people" on the territory-level, and this in turn opens up for metropolitan actors to challenge the boundaries drawn by NSGT peoples. Three contemporary examples of such conflicts are: *Davis v. Guam*, discussed in Chapter 4 (see also, Spitzer, 2022), the French National Assembly's 2024 adoption of a constitutional reform for New Caledonia to expand the territory's electorate, discussed in Chapter 4, and; controversies regarding the use of *belongership* to restrict the franchises in BOTs, discussed in Chapter 7 (see also, Wangmar and Beckman, 2024). Below, I will expand on the latter.

9.3.2.1. Claimed as "British," treated as foreign

In Chapter 4, Joshua Tenorio, Guam representative to the C4, was quoted pointing to a "long-standing practice of the administering power of selectively applying domestic policy over Guam in certain situations and treating it as foreign in others" (C4 annual session 2021, 3rd meeting). In the case studies of the BVI and Anguilla, this was similarly a theme. Several interviewees pointed out that the OTs are managed from the FCDO rather than the Home Office, despite their peoples being referred to as "British" (with most also rejecting the very idea of OT peoples being "British," emphasizing instead their distinct identities). While the extension of British citizenship to the OTs has led to benefits such as ease of travel and the right of abode in the UK, it has also led to conflicting views of who constitutes "the people." In one way, the in-between status may be regarded as advantageous in the sense that OT peoples enjoy benefits related to the metropolitan passport, while presently retaining control over the boundaries of their own peoples (where the psychological dimension of citizenship is far more prominent) through the institution of belongership. However, it also makes it possible for metropolitan officials, as the 2019 FAC report demonstrates, to frame this as "discriminatory" on grounds of the shared national citizenship and thereby advocate for its abolishing. Why should one "group of British people" (FAC, 2019a: 26) be allowed to exclude another; why should there be a boundary within the boundary?

FAC Chairman Tom Tugendhat expressed during the consultations leading up to the report: "It does seem odd, in what we call the British family, to have two classes of people" (FAC, 2018: Q244). This example highlights a weakness of the OTs' ambiguous status, in how it creates uncertainties that could lead to a de-legitimisation of institutions for self-constitution, and possibly their consequent removal as the metropole retains the unlimited power to legislate for the territories (Hendry and Dickson, 2018: 22). For collective self-determination to exist, a people's ability to continuously define its identity and retain control of its boundaries has been highlighted as crucial (Benhabib, 2004; Spitzer, 2022: 248). Autonomous institutions such as

belongership can make this possible.[96] However, differing interpretations of what non-discrimination entails (either equal treatment for all British citizens across the board, as in the conventional sense, or equal freedom for all distinct groups to maintain and develop their own identities and cultures, as in the "evolved" sense, Åhrén, 2016: 227) lead to different ideas about whether it is legitimate – even necessary – or whether it violates this norm. Relatedly, different ideas about whether or not OT peoples are distinct or part of a "British people" lead to different ideas about how it should apply.

Cultural integrity is thought to be threatened when distinct peoples are subjected to attempts at assimilation against their will (Anaya, 1996: 99). In the case of the BOTs and their use of belongership, the suggestion by the FAC was described as such an attempt by interviewees, who further criticized how no referendum to ensure the people's consent was required before "assimilation" could take place (Interviewee 24), or how the *Global Britain* agenda was aimed at achieving "oneness, sameness and assimilation" (Interviewee 15). Presently, the institution of belongership does serve to protect OT peoples' self-constitution as well as control over land ownership and economic opportunities, and remains in place as the UK Government chose not to act on the recommendation (FAC, 2019b). Still, framings of OT peoples as members of a "British family" or even as "British people," especially in the context of Global Britain, have sought to challenge its legitimacy. This showcases how the uncertainties stemming from the in-between position – with OT peoples in some respects and situations being claimed as British (although often not identifying as such), in others still treated as foreign, as pointed out by several interviewees – may constitute a threat to the upholding of autonomous institutions as well as effective participation.

It is relatively clear what basic rights one would have as a citizen of a fully independent, democratic state following decolonisation, or what

[96] As Chapter 4 showed, there have also been attempts in the USVI to establish similar categories ("Ancestral Virgin Islander" and "Native Virgin Islander") with special rights to participate in e.g. political status referendums, however Public Law 111-194 has prevented this.

rights one would have as a citizen who has been fully integrated into the metropole. The half-way house in-between, however, opens up spaces where the meanings of concepts like citizenship, people, or constitution, appear to become fluid, for better or for worse. Belongership, or the New Caledonian citizenship which similarly is held concurrently with the French national one, could be viewed as uniquely creative features of island-metropole governance, mirroring the functions of citizenship and allowing for territory peoples to determine the boundaries of their own demoi. This seemingly allows NSGTs to, in some ways, *act like* states, while bypassing the risks of fully independent statehood. However, acting or looking like something is not the same as being that thing, and these arrangements need to be considered from a critical standpoint regarding their self-determination implications. If they, in the end, feel mostly like "theatre" given how the "the true authority sits with the Governor and not with the electorate" (Interviewee 10) or given the metropole's power to unilaterally suspend territory constitutions, that significantly weakens their prospects for promoting the self-determination of NSGT peoples.

As noted above, it appears that a transfer to independence is not considered a likely solution to these problems in many cases, at least at the present time (although some interviewees did suggest that fears of separation are exaggerated and that full independence should be pursued, e.g. Interviewee 28; Interviewee 5 – further research into prospects for this option is arguably needed). For self-determination to be realised in NSGTs while their metropolitan relationships persist, the ambiguities of in-between statuses need to be addressed. It cannot be assumed from the outset that one interpretation of what non-discrimination or political equality entails (see also, Mörkenstam, 2015: 642) is the only valid one, and NSGT peoples need to be meaningfully involved in defining this. Boundaries also need to be established regarding how far concepts like "constitution" or "citizenship" can reasonably be stretched without causing self-determination violations.

I suggest that the criteria of *meaningful participation* and *autonomous institutions* (Anaya, 2004) as well as *non-precarity* (Nine, 2022) should serve as guidelines for such boundaries. If a version of "citizenship"

deprives a people of meaningful participation in relevant decision-making processes, this constitutes a violation of self-determination and the concept has arguably been stretched to a point where its core function, if understood as representing full and equal membership in a political community (e.g. Marshall, 1965), has been lost. If an institution for autonomous governance can be readily taken away by the metropolitan government, the institution itself is not in fact autonomous but existing only for as long as it accepted by said government (which is external in the sense that it is not elected by OT peoples). This, again, would also be inconsistent with the *non-precarity* criterion (Nine, 2022).

For cultural integrity to be safeguarded, recommendations for metropolitan governments to unilaterally abolish institutions on the territory-level should not be permissible if we apply the principle that "any diminishment in the authority or altering of *de facto* or *de jure* indigenous institutions of autonomous governance should not occur unless pursuant to the consent or acquiescence of the affected groups" (Anaya, 2004: 50). If the metropolitan citizenship is extended to a territory, the principles underlying this should be clear, agreed upon and not open to unilateral change by the metropole, as this would make the relation precarious. In the case of the OTs, metropolitan citizenship was explicitly granted on a basis of non-reciprocity (FCO, 1999: 19), and post-Brexit ideas about a global "British family" should not motivate a backpedalling on this principle.

The "half-way house" between independence and integration could ideally be beneficial, but once again, such a position also implies perils both related to effective participation and autonomous institutions, precisely because the boundary between foreign and domestic becomes blurred.

9.3.2.2 Meaningful participation in in-between spaces

For ongoing self-determination to be realised, Anaya (2004: 52) holds that autonomous institutions along with the upholding of "rights of

effective participation of indigenous peoples in all decisions that affect them," are key. On the latter, he states:

> Because of their subordinate positions within states, indigenous communities and their members typically have been denied full and equal participation in the political processes that have sought to govern them. (Anaya, 2004: 51)

Coming back to the in-betweenness that is characteristic of many NSGTs, their peoples arguably do not occupy spaces "within states" (as neither the UK- nor the US-affiliated NSGTs are considered constitutionally part of their metropoles). Still, since NSGT peoples are ultimately under the authority of their metropolitan states, a subordinate position in such a relationship should be seen as undermining self-determination in ways that equal a subordinate position within a state since the effect is the same, i.e. distinct peoples with self-determination rights being "denied full and equal participation" in political processes by which they are governed.

Regarding the ability to participate meaningfully in relevant decision-making processes, three main issues are worth considering for OTs (and for NSGTs more broadly): participation on the territory-level, participation on the metropolitan level, and the roles of metropolitan representatives in-territory.

9.3.2.2.1 The territory-level

Several interviewees in both the BVI and Anguilla pointed to shortcomings in terms of high levels of corruption in local governments, weak institutions and a lack of transparency leading to a concentration of power in the hands of the few (see also, Penn-Lettsome, 2023: 18). As Anaya (1996: 109). notes, the norm of self-government "stands in opposition to institutions that disproportionately or unjustly concentrate power in the reins of government, whether the concentration is centred *within* the relevant community […] or *outside* of the community." In the field data, such concentration of power was certainly identified outside of the community, e.g. the metropole having the power to legislate for the OTs without their peoples' input, or the powers of UK-appointed Governors (I define this as "outside" both given OT peoples'

lack of identification with the British metropole, and given their lack of democratic influence therein). However, it was also identified *within* it, given widespread perceptions of corruption in OT governments. If institutions aimed at ensuring that government functions according to the will of those governed are absent, weak or insufficient, this impacts negatively on collective self-determination.

For a people's free pursuit of their own development, it is not only the ability to express a preference that matters, but also the ability to have that preference be acted upon and to demand accountability where it is not. While UN Resolution 1514 states that "inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence," the interview responses suggested that there are still tendencies among inhabitants in the OTs themselves to question whether local governments would be equipped to take over responsibilities currently under the metropole, given frequent accusations of corruption (some interviewees, however, stated that London was equally corrupt, and that it made little sense to rely on the metropole in this regard).

In conversations in both the BVI and Anguilla, persons would often describe corruption, nepotism and patron-client linkages as features of "Caribbean" politics. However, previous literature suggests that this may be more to do with small scale than geographic region, e.g. Veenendaal (2013) found similar dynamics in both San Marino, Palau, and the Seychelles, attributing this to polity size. For self-determination to be promoted in NSGTs, the vast majority being comparatively very small, a devising of institutions that can address challenges related to such dynamics, and that is based on the preferences of territory peoples, is needed. As discussed above, a unilateral suspension of a territory constitution by the metropole with the aim of fulfilling this goal should not be seen as permissible, as this would violate self-determination in its constitutive aspect.

9.3.2.2.2 The metropolitan level

In Chapter 7, it was noted that OT peoples currently lack the "participatory engagement" aspect of self-government (1996), in that they have no representation or recognised role in metropolitan decision-making processes that impact on them. Two main arguments were made: firstly, that the OTs urgently need to have a voice in such decisions, as the alternative of lacking any representation creates a highly unequal and undemocratic relationship. Secondly, that voting rights and/or formal representation in the political institutions of the metropole (as in the French-affiliated NSGTs) may not be sufficient, or even desirable if it would lead to the justification of further metropolitan interference in the territories without the balance of powers being affected in any fundamental way. Interviewees were clearly divided on the topic of parliamentary representation, with some arguing that it was desired and necessary for democracy whereas others held that it was widely opposed due to the risk of it legitimating further metropolitan intrusions. This emerges as another problem related to in-between positions, where the two options of having versus not having representation are both thought to lead to unsatisfactory outcomes (in the first case, a clear lack of democratic input; in the second case, "assimilation" in the sense that metropolitan intrusions are legitimised while OT peoples remain subordinate and numerically inferior).

So far, discussions on OTs' powers to influence metropolitan decision-making have mainly been centred on the question of formal, parliamentary representation. However, I argue that alternatives or complements to this may be found if one looks to the literature on Indigenous self-determination and Indigenous-state relations, which discusses e.g. veto powers and consultations rather than representation alone. Clegg et al (2022) make an important contribution by analysing the effectiveness of metropolitan parliamentary representation of overseas territories in comparable cases (Puerto Rico, the Åland Islands, Greenland and the Faroe Islands), concluding that it is questionable whether this gives territory peoples any significant influence in relevant decision-making or whether it is mostly symbolic. In the OTs, opinions are also evidently divided. Still, concluding that

formal representation in the UK Parliament would not be effective, or that there is no appetite for it, still does not solve the fundamental problem of the OTs (and many NSGT peoples generally) lacking participatory engagement in decisions that impact on them.

As some studies have already begun to bridge the gap between the literature on Indigenous-state relations and overseas territories (Prinsen and Blaise, 2017; Prinsen et al, 2017), this thesis further showcases the gains that can be made from this. Discussions as well as legal frameworks for Indigenous peoples' rights in decision-making processes affecting them appear far more developed than discussions on such rights for colonial peoples. This difference is possibly owing to the latter's legal right to exit construing present arrangements as voluntary and temporary, although they have persisted for decades.

Even where formal parliamentary representation is not desirable, problems related to a lack of participatory engagement could be mitigated if stricter demands are placed on how consultations with OT peoples are conducted. As several interviewees pointed out, "consultation" is often interpreted by metropolitan officials as simply meaning "informing" e.g. "many Governors, I think, dating very far back, take that word to mean: 'I will let [elected leaders] know what the decision is before I let the general public know (Interviewee 4); "They inform you to tell you what they're doing and they call it a consultation" (Interviewee 5). In Chapter 7, it was concluded that the concept needs to be better defined and that requirements for it (and for participatory engagement generally) could be developed if one looks to legal frameworks for Indigenous-state relations. For example, ILO Convention 169 includes the requirement that "agreement should at least be an objective of the consultations" between Indigenous peoples and encompassing states, which implies that "consultations cannot simply be a matter of informing indigenous communities about the measures that will affect them" (Anaya, 2004: 55).

Shaw (2017: 232) argues for an incorporation of Indigenous veto power into the principle of "free, prior and informed consent" (FPIC) as outlined in the UNDRIP, as this would lead to more meaningful negotiation processes where Indigenous peoples are guaranteed real

influence over relevant matters. A working group in the BVI surveying public opinions on the UK relationship in 2018 similarly argued that there was "great support for the Overseas Territories legislatures to have a veto power over laws passed by the British Parliament affecting them directly in the same way that English MPs have a veto power over laws passed affecting England only."[97] Åhrén (2016: 139) further argues that where the self-determination rights of Indigenous peoples must be reconciled with the self-determination rights of the populations of encompassing states, a "sliding scale" should be used where "the more important the issue to the indigenous peoples' culture, society, and way of life, the greater influence the people should be allowed to exercise." Taken together, the points from the literature on Indigenous rights about requirements for consultations, veto powers and a "sliding scale" all suggest that stricter demands could also be placed on interactions between NSGTs and their metropolitan states, so as to ensure meaningful influence even in cases where formal parliamentary representation is opposed.

A key argument of this thesis is that the legal right to separate should not constitute a hindrance to developing mechanisms for participatory engagement, as such engagement is necessary for self-determination to not be violated for as long as NSGT-metropole relationships remain (empirically, many of them are likely to persist for some time). Keeping the option to pursue independence at whatever point in the future should not be incompatible with working to ensure constitutive and ongoing self-determination within territory-metropole relationships, similar to how studies and rights frameworks have sought to do so for Indigenous peoples (for whom secession is often not an option). While many interviewees pointed to a general tendency in local debates to equate the concept of self-determination with a transfer to independence only (Chapter 5), they themselves often conceived of self-determination as, at least, theoretically achievable within some form of metropolitan relationship, whether it be through the free association option or more generally through the fundamental re-structuring of relationships to

[97] Refers to the English votes for English laws (EVEL) principle, discussed in Chapter 7.

avoid metropolitan domination and allow for true influence and control over relevant decisions. Presently, however, the vast majority of interviewees did not consider the current arrangements to achieve this.

9.3.2.2.3. The metropolitan representative in-territory

A clear example of what the "half-way house" status does in regards to democracy is found in the Office of the Governor. Several interviewees as well as OT representatives addressing the UN committees emphasised the fact that the Governor holds significant powers, yet is unelected and remains democratically unaccountable to the public, as a key shortcoming of their metropolitan relationships. Such a situation indeed appears difficult to reconcile with self-government and the "rights of effective participation of […] peoples in all decisions that affect them" (Anaya, 2004: 52). Previous studies have already identified this feature of UK-OT governance as undemocratic and colonial (Yusuf and Chowdhury, 2019b; Ferdinand et al, 2020), and the present thesis confirms that such accounts also reflect experiences in the OTs to a high degree. This reinforces and re-actualises Corbin's (2009a; 2009b) points regarding the need to challenge "colonial contentment arguments" portraying contemporary NSGT-metropole arrangements as being modernised and entailing real self-governance.

Concerning the experience of being governed by, or governing alongside, a UK-appointed Governor, several interviewees pointed to personality and informal aspects as significantly affecting the situation on the ground. While some Governors as well as local leaders had been more prone to maintaining good working relationships, others had been less so. This had often led to open hostility and longstanding public "battles" between Governors and elected leaders. In a sense, the in-between position of the OTs creates a somewhat awkward, ambiguous position for Governors as well. A Governor taking an active role may be received locally as either properly engraining themselves in OT communities, or in more negative terms as trying to challenge and upstage elected politicians. Taking a less active role would be viewed, as some interviewees expressed, as being in-territory mostly "on vacation," but being more visible would lead to accusations of

illegitimate overstepping (as shown in the discussions on past BVI Governors Jaspert and Duncan). This creates a situation where it is uncertain what the Governor's role and appropriate conduct should be.

All in all, the position of Governor appears to be person-dependent to a high degree, relying on individuals to interpret what actions or behaviours are appropriate. This may in some cases be viewed locally in a positive light, e.g. when Governors take actions to include local actors in decision-making to a greater extent than what is formally required. However, such situations also risk obscuring fundamental injustices present in the formal arrangements, where Governors remain powerful yet unaccountable to OT peoples. Person-dependence, especially for a position that is only held by an individual for a relatively short period and then transferred to another, risks leading to precarity and impeding long-term planning. If one Governor is "more OT-focused" (Interviewee 22) or more prone to appointing local committees and considering their views in decision-making processes (Interviewee 6), the next Governor might take a different approach, and will be able to do so given the lack of accountability or formal requirements regarding what e.g. "consultation" requires.

For the position of Governor to be consistent with OT peoples' rights to self-government, it would need to be elected or otherwise democratically accountable to the peoples governed, rather than solely to the metropole. Alternatively, the powers assigned to it would need to be scaled back, and stricter demands be placed on practices such as "consultation" when those powers are exercised, so that peoples are not governed by processes in which they do not have a say. Further, it should not be permissible for the Governor to request a unilateral grant of additional powers, or for recommendations to be made for such transfers (e.g. Hickinbottom, 2022; HMICFRS, 2025). This violates both constitutive self-determination in altering the governing order without the participation and consent of the people, and ongoing self-determination in transferring powers from elected to unelected officials.

9.3.2.3 Land, resources and development

Regarding the material aspects of affiliation, the UK link was described by interviewees in both Anguilla and the BVI as valuable in a number of areas related to development, whether it be through financial support, disaster relief, security, or reputational benefits generating credibility in the financial services sector. This in itself speaks in favour of Rezvani's (2014; 2016) arguments about affiliation as having the potential to better promote the pursuit of a people's self-interest in comparison to full independence. However, as ongoing self-determination also requires governing orders that allow peoples to lead lives and, on a continuous basis, make decisions that they can recognise as properly their own (Anaya, 1996; Stilz, 2019; Nine, 2022), it is worth revisiting Androus and Greymornings' (2016) points about how concepts of development may differ between Indigenous and metropolitan populations. The development pursued may not be in accordance with Indigenous (or "arrivant") concepts or -preferences, *if* power over such processes is mainly concentrated in the metropole.

In Chapter 4, it was noted that Guamanian representatives have repeatedly called attention to a military build-up which certainly has generated economic benefits for the territory through US military spending, but which has also been in conflict with Indigenous interests in destroying sacred sites and thus violating the Chamorro people's right to "use and control of traditional lands and resources" (Anaya, 2004: 50). While it should be noted that Guam is not classified as a PIT by Rezvani, it still tends to be included in studies on the overall socio-economic benefits of metropolitan affiliation (e.g. McElroy and Pearce, 2006; McElroy and Parry, 2012). Such studies have concluded that "the quarter century of substantial socio-economic progress of small affiliated islands vis-a`-vis their sovereign neighbours plus their continuing achievement of greater self-determination underlie their sustaining propensity for dependence" (McElroy and Parry, 2012: 535).

Based on the findings of this thesis, the above argument about self-determination should be met with some scepticism, especially seeing

how its content has remained vague and ill-defined.[98] Attention should also be paid to how "progress" is measured and defined by metropolitan versus NSGT actors. Further, examples of metropolitan overreach regarding the use of natural resources were also found in the BVI (a PIT), where the unilateral imposition of fishing quotas by the FCDO following Brexit were described by interviewees as colonial and as depriving the NSGT people of their natural resources (Interviewee 19; Interviewee 20), and by counsel to the COI Bilal Rawat as an example of how the "UK Government's priorities triumph over the Virgin Islands' Government's priorities" (COI Hearings Day 50, 2021: 177).

In the cases of the BVI and Anguilla, examples of financial assistance from the metropole, following the impacts of the 2017 hurricanes and Covid-19, being conditional upon the implementation of policies not thought to be in the interests of OT peoples (e.g. GST; increased metropolitan control of OT finances), further highlight the importance of the nature of dependency relations and whether they allow for autonomous decision-making and acting. This is particularly relevant seeing as the OT status has prevented the territories from being eligible for EU or the OECD aid, leaving the metropole as the only provider of support as highlighted by several interviewees. If such support is then conditional upon the implementation of certain policies, based on metropolitan concepts and aspirations rather than OT ones, the ability of the OT people to make and act on development plans autonomously is impeded (Nine, 2022).

The above underscores that for metropolitan affiliation to really promote self-determination, development needs to be pursued "in cooperation with the indigenous [or NSGT] peoples concerned and in accordance with their own collectively formulated priorities" (Anaya, 1996: 109). For this, Nine's (2022) ideas about self-determination as functional autonomy serve to complement Rezvani's argument about

[98] McElroy and Parry (2012: 405) here understand it as follows: "Islanders across the globe, recognizing that independence, free association, integration or 'any other political status freely determined by the people' […] constitute legitimate expressions of self-determination, have repeatedly voted to retain colonial links." As argued in this thesis, this in itself is not sufficient for (constitutive) self-determination.

partial independence as promoting self-determination, by adding the criteria of autonomy ("when the group has the opportunity to make decisions based on beliefs, desires, and values that are not alien to them", 2022: 188) and non-precarity. This places greater demands on the nature of territory-metropole relationships, beyond the provision of public goods, before conclusions are made regarding their impacts on self-determination.

Since the metropole remains ultimately responsible for the OTs, it does not appear reasonable to demand that all financial transfers and support should be entirely unconditional. However, plans for the use of funds can reasonably be devised in consultation and agreement with OT peoples so as to ensure that their ideas, concepts and aspirations are properly represented, rather than having them be forced to accept a conditional offer based on metropolitan aspirations. The GST was widely opposed by the people of Anguilla, yet implemented as a result of this being a condition for necessary financial support when the territory was in a particularly vulnerable state. This showcases the damaging consequences of dependency- and intergroup relations that do not allow for functional autonomy (Nine, 2022), even if they may generate the necessary resources for (some form of) development. It also relates back to the problem of OT peoples lacking participatory engagement in relevant decision-making processes, showcasing the instrumental value of the self-government element.

9.3.4. Applying the hierarchy: a step by step approach

For self-determination to be exercised in these "in-between" cases, I suggest the following steps based on the hierarchy of elements presented under (9.3.1.): First, it needs to be established, in dialogue between metropolitan and NSGT peoples recognizing each other as equals, what *non-discrimination* should mean and how it should be institutionalized in each case. If both parties agree that the conventional liberal interpretation is sufficient on its own, the NSGT people should be given the same rights as metropolitan citizens in all regards. If both agree that the "evolved" (Åhrén, 2016: 227) interpretation is sufficient on its own, the NSGT people should be given special rights that may

include the right to exclude metropolitan citizens in their territories in order to uphold a distinct identity. While enjoying the *same rights* as metropolitan citizens may not be necessary or desired (for example, most interviewees in both the BVI and Anguilla did not believe that their peoples should vote in British elections; they were divided on whether they should have been allowed to vote on Brexit, and; they were divided on whether they should have parliamentary representation), the NSGT people in such a situation still need to be meaningfully involved in decision-making processes that impact on them (e.g. through FPIC, veto powers, or consultation).

If both agree that both interpretations are needed, they should be combined so as to give the NSGT people *equal rights* in areas where this is desired (e.g. voting, representation, social welfare) and *special rights* in other desired areas (e.g. self-constitution). This may appear to give the NSGT people special, unfair advantages – or as described by the FAC (2019a: 26) "elevat[ing] one group of […] people over another." However, if it serves to fulfil remedial rights in addressing past and present self-determination violations (with self-determination being understood as an imperative for the enjoyment of all other human rights) it would arguably be motivated and legitimate. As several interviewees pointed out when discussing the FAC recommendation on belongership: there already are "two classes," and the one that retains a superior position is not the one that the FAC suggests. Further, considering the far more radical ideas that existed in the early years of post-WWII decolonisation regarding what colonising states in fact owed to colonised peoples, including the re-constitution of the metropole itself (Wilder, 2015), there is reason to question the notion that metropolitan interests and responsibilities should take precedence at the expense of NSGT peoples' self-determination.

If the parties disagree on what interpretation of non-discrimination should apply, a "sliding scale" (Åhrén, 2016) could be used to determine who is most significantly impacted by the decision taken, or whose rights risk being violated, and the interpretation proposed by that party should then be primarily applied, possibly combined with some aspects of the alternative.

As a second step, institutions for *self-government* should be devised in accordance with the non-discrimination concept(s) upon which the parties have agreed, and in accordance with the NSGT people's aspirations and priorities. Various types of arrangements could be considered and negotiated here, pertaining to political rights and boundary-drawing (on the territory- and metropolitan levels); representation (of the territory people in the metropole; of the metropole in-territory); the distribution of powers and responsibilities; decision-making processes and mechanisms to ensure participation and consent; practices and processes for altering arrangements (constitutive self-determination). If we follow Nine (2022), while the features of such governing arrangements can be negotiated to a degree (and while there is certainly a plethora of alternatives/combinations of institutions that may fit different contexts), the criteria of *autonomy* and *non-precarity* should be used as a baseline to ensure that the arrangements structuring intergroup relations allow for self-determination as functional, long-term autonomous planning. If all aspects of them are entirely up for negotiation, as noted in Chapter 8, this implies that "I have to negotiate to exercise my fundamental right to freedom" (Interviewee 28). A people making up a minority in terms of numbers and/or power could then be disadvantaged (Nine, 2022: 179).

These institutional frameworks for self-government should then serve to uphold the NSGT people's abilities to chart their own courses for *development*, and to autonomously plan for how to engage with the *lands and natural resources* in the territory that they inhabit. If the arrangements serve these purposes, it would mean that e.g. Guamanians would be able to resist or exercise control over processes of militarisation to protect development opportunities and Indigenous lifeways; French Polynesians would be able to design education systems to maintain their languages; OT peoples could influence and resist decisions for development and resource use that are not in accordance with their perspectives or to their benefit (e.g. "vanity" conservation projects). If the arrangements fail to do so, they should be sent back to the drawing board, and processes for modifying them need

to be guided by a) functional autonomy as a baseline to ensure fundamental rights, and b) equal recognition in negotiation (9.2.2.).

If this is achieved, the people's *cultural integrity* should be better safeguarded even without a transfer to full independence, or until such a choice can be made. The problems identified in the literature pertaining to metropolitan domination in development processes, inequalities and democratic deficits (e.g. Fuentes-Rohwer, 2008; Corbin 2009a; 2009b; Bevacqua, 2010; Androus and Greymorning, 2016; Lin, 2019; Ferdinand et al, 2020; Bosque, 2020; Korson, 2021) would all be significantly diminished if territory peoples were able to formulate what non-discrimination means to them and then devise (and over time reshape) institutions in accordance with this to ensure self-government; to plan for their development and land/resource use through these institutions, using the benefits of "partial independence" (Rezvani, 2014) to autonomously shape such processes, and to thereby; uphold and develop their cultural identities.

Based on the empirical analyses presented in this thesis, it is highly questionable whether any current arrangement achieves this.[99] For arrangements for metropolitan affiliation to improve in terms of promoting NSGT peoples' self-determination, or at least preventing violations of it, the hierarchy of elements could serve as a guideline.

[99] Out of the NSGT representatives discussed in Chapter 4, American Samoans were most prone to positively appraising their US relationship, although they still raised concerns related to democratic deficits. French Polynesian and New Caledonian autonomists were similarly prone to portraying their metropolitan relationships as "partnerships" allowing for autonomy and cultural integrity, however statements by independentists directly challenged these portrayals. In any case, this data is arguably too limited to draw further conclusions. In the two case studies providing for more in-depth analyses, it was clear that the BVI-UK and Anguilla-UK relationships are not currently thought to achieve what is described here.

Chapter 10: Concluding remarks

A theme that has been prevalent throughout the writing of this thesis is *ambiguous concepts.* The thesis started from the observation that self-determination somewhat paradoxically has become a fundamental principle in international law – in fact, one of the "imperatives for the full enjoyment of all human rights" (GA RES 47/82, 1992) – at the same time as its content has remained notoriously vague, making it difficult to pin down and in turn exercise (aside from a choice for a permanent political status for NSGTs which, as demonstrated, also is often constrained in practice). The case studies of the BVI and Anguilla revealed that in both territories, debates about self-determination often tended to equate the concept with independence. Three plausible reasons for this were found: first, it is likely partially owing to the longstanding British position and its rather binary interpretation of self-determination, i.e. affirming OT peoples' right to independence (or to continued affiliation) but offering limited avenues aside from that. Second, it is likely also due to the pervasiveness of the international norm of independent statehood as the "normal" outcome of decolonisation, discussed in Chapters 1 and 2. Third, in many cases it can, of course, also stem from severe frustrations with the metropolitan relationship leading to calls for complete separation.

In both territories, fears of independence, relatedly, tended to shut down conversations on self-determination rather quickly (see also Penn-Lettsome, 2023: 99). What I have attempted to show is that while a transfer to independence can and should remain an option, there are many conversations to be had *up until such a choice is made* about how current arrangements impact on self-determination (if understood as encompassing more than a choice for a permanent status), and how they

ought to be altered to better promote it, or at least so as to not violate it. These conversations should not only be held in NSGTs but, perhaps even more importantly, in metropolitan states and within the international community.

Metropolitan affiliation can theoretically promote self-determination (Rezvani, 2014; Nine, 2022), and may even be necessary in some cases. Once again, full independence with no resources or security would mean that options for freely pursuing development are wide open in theory but non-existent in practice. However, as I have attempted to show, this is premised on the intergroup relation, or the governing order, being designed in a way that allows for this. It is also premised on the people living under it having sufficient power to meaningfully modify and uphold it. While the norm of self-determination has remained unsettled, the previous chapter sought to at least begin to offer an empirically and theoretically informed account of what it requires, in its ongoing and constitutive aspects, within frameworks for affiliation.

Aside from self-determination itself being ill-defined, the empirical analyses revealed how the in-between positions of NSGTs lead to uncertainties concerning the concepts and institutions that matter in regards to it (e.g. "people," "citizenship," "(non)discrimination," "consultation," "constitution"). With the "half-way house between independence and integration" (Aldrich and Connell, 2020: 425), concepts become fluid, sometimes leading to "recrafted" versions that risk undermining self-determination, such as constitutions that can be externally suspended, citizenships that are decoupled from meaningful participation, and "peoples" that are sometimes domestic and sometimes foreign in the eyes of metropolitan officials. This problem is dual in nature, consisting in the combination of a lack of a more determinate understanding of *self-determination itself* coupled with a lack of clear definitions and boundaries as to what *key institutional features* that relate to it should mean in these cases. This leads to risks of it being continuously but "invisibly" violated, without NSGT peoples having any recourse for addressing such violations (especially if their

right to self-determination is construed narrowly as consisting in the choice of a permanent political status only).

Below, I will summarise the main arguments of the thesis, and discuss how they inform current debates and -positions pertaining to self-determination in spaces "in-between" independence and integration.

10.1. A summary of contributions and arguments

A first position that is challenged by the findings of this thesis is that of the British government (and arguably also similar positions long held by the US and French metropoles, Aldrich and Connell, 2020: 26). The FCO/FCDO (1999; 2012; 2023) has consistently affirmed that OTs are free to pursue independence with the support of the metropole, and thereby construed and legitimised current arrangements as non-colonial, voluntary and "modern partnerships.". This has also been implied in the academic literature, where a lack of major constitutional change over time has been taken to indicate general satisfaction among territory peoples (Baldacchino, 2010: 188). Based on the thesis' empirical analyses and theoretical discussions regarding what self-determination can be thought to require, current arrangements do still lead to violations of both its constitutive and ongoing aspects. Although some interviewees expressed appreciation for the UK link, many expressed frustrations with framings of present UK-OT relationships as "partnerships" while OT peoples remained subordinate in practice, their participation in relevant decision-making processes limited, and their options for seeking a different status further restricted by the metropole's rejecting the alternatives of integration and free association. "Colonial contentment" arguments (Corbin, 2009a: 87) based on these arrangements being constructed as voluntary, while opportunities for major constitutional change often remain constrained, should be rejected. An implication that follows from this, then, is that metropolitan states should have far greater responsibilities – not only for complying with existing international law pertaining to decolonisation, but for developing, in cooperation with NSGT peoples,

arrangements for affiliation that better safeguard (ongoing, constitutive) self-determination until a choice for a permanent status is made.

Relatedly, this thesis challenges, in part, the view of decolonisation and NSGT self-determination that has characterised international law since the 1960s (GA Res 1514; GA Res 1541). In this view, self-determination consists in a choice for a permanent political status, from stipulated options that metropolitan states can further reject if they somehow involve them. In practice, this leaves many remaining NSGTs in an impasse where they are left with a choice between, essentially, independence and the status quo. This, rather than satisfaction with current arrangements, explains why we are now in the "Fourth International Decade for the Eradication of Colonialism" without much progress seemingly having been made. Colonialism does endure, and its distinctive wrong (Ypi, 2013; Stilz, 2015; Moore, 2016) continues through a present denial of constitutive self-determination, aside from a right to separation. I argue that constitutive and ongoing self-determination as envisioned in Chapter 9 are more useful concepts in the present-day – not to replace the right to exit, but to supplement it to ensure that self-determination is not violated in cases where metropolitan ties are retained. Based on this, new supplementary frameworks should be developed so as to address current violations and establish in more detail what colonising states owe to colonised peoples.

In relation to the above, it is of course relevant to consider what the literature says about current arrangements and their self-determination implications, and how the findings of the thesis inform these debates. Here, I make a number of arguments: firstly, I (partially) challenge ideas about an emerging "islandian sovereignty" exercised through continuous negotiations between islands and metropoles around constitutional statuses (Prinsen and Blaise, 2017). While there were certainly examples in the material that indicated that some degree of negotiation over increased autonomy had been possible (particularly for the BVI), it was also highlighted that the metropole retains a superior position in determining what features can be negotiated, and in being able to unilaterally alter these arrangements. This significantly

undermines islandian sovereignty, and challenges the assumption that relationships are being redefined "on islander's terms."

This does not necessarily invalidate the concept of "islandian sovereignty" entirely – rather, it points to areas in which we need to better understand it, and additional aspects that should be considered when defining what it is and assessing whether it is taking place. Using the conceptualisation of constitutive self-determination presented in Chapter 9, I suggest two concrete criteria: first, that constitutional negotiations be premised on *equal recognition,* with no one party retaining a superior position in dictating their terms, and; second, that arrangements *cannot be unilaterally changed* or suspended without the participation and consent of those governed. Such an "islandian sovereignty" should still be theoretically achievable; however, it places greater demands on territory-metropole relationships and suggests that many present ones are not currently realising it.

As a second point in relation to the literature, I suggest that while Rezvani's (2014; 2016) comparisons between independence and "partial independence" are useful, they also risk overlooking violations of both constitutive and ongoing self-determination that nevertheless occur even in PITs, and that become visible when we assess these arrangements in their own right rather than through comparison to another status. Like with "islandian sovereignty," studies on the promises of "partial independence" should pay further attention to (ongoing, constitutive) self-determination in territory-metropole arrangements, and assess the extents to which territory peoples are able to use, shape or maintain the metropolitan link for long-term planning, decision-making and acting, through processes in which they are meaningfully involved.

On the premise that self-determination is to be considered a fundamental human right, it is not enough to conclude that partial independence "beats" full independence in having self-determination *advantages* (especially if full independence is thought to lead to severe challenges in ensuring a people's security and basic wellbeing). Being wrongfully imprisoned arguably has advantages over being tortured, but this observation on its own, again, does not tell us much about the

implications (or rights violations) of such imprisonment. Thus, we also need to pay attention to whether and how the experiences of peoples living in PITs suggest that this right is being realised or violated in their current arrangements. For this, "stories […] about oppressive government that impedes the ability of a group to develop freely in all spheres of life" and of "discrimination, suppression of democratic participation, and cultural suffocation" (Anaya, 1993: 163) – or stories that might contradict such portrayals – become relevant. In the case of the BVI, which Rezvani (2014) classifies as a PIT, a current lack of democratic participation was highlighted by interviewees as undermining self-determination, along with the possibility of constitutional suspension and the imposition of direct rule by the metropole. In the case of French Polynesia, also classified as a PIT, Chapter 4 pointed to experiences of cultural suffocation through the education system and the management of natural resources, in addresses by independentists (although characterisations of the metropolitan relationship were contested). This suggests that independent standards for how PIT-metropole relationships can be structured so as to not violate self-determination are needed. The finding that partial independence has advantages over full independence alone should not be used as a basis to conclude that contemporary arrangements are sufficient or satisfactory in this regard.

Further, in relation to the literature on metropolitan affiliation, the thesis raises concerns regarding the "creative" (Hepburn, 2012) governing arrangements that tie islands to their metropoles. It does so by identifying self-determination perils stemming from in-between positions (related to effective participation as well as the upholding of autonomous institutions, Anaya, 1996). Here, I also argue that "half-way house" arrangements need to be critically assessed based on whether the "recrafted" versions of key institutions (e.g. citizenship) that they have developed promote or undermine self-determination. The "unique forms of sovereignty exercised by islands across the world" (Hepburn, 2012: 119) certainly offer interesting opportunities for thinking about alternatives to independent statehood. Still, we need to

be attentive to cases where concepts have been stretched so far that a "unique form of sovereignty" is not in fact sovereignty at all.

To help with the above, the thesis offers theoretical contributions by building on Anaya's (1996; 2004) writings and further conceptualising both constitutive and ongoing self-determination, and the relationship between these aspects. Starting from Anaya's international-legal framework, and using empirical insights as well as writings in political theory to inform it, I propose that *constitutive self-determination* be understood as a prerequisite for ongoing self-determination, and further break the constitutive aspect down into four interrelated questions pertaining to a people's abilities to *begin, modify, uphold* and *end* their governing arrangements (Chapter 9). For NSGTs, this would mean that constitutive self-determination amounts to more than a legal right to exit. Given fears of and skepticism against full independence that exist in many territories, I argue that such an understanding is more fruitful for beginning to question metropolitan states' conduct towards NSGTs (aside from their affirming the right to separate).

When it comes to *ongoing self-determination*, I have conceptualised this as a "hierarchy of elements," based on the five key norms identified by Anaya (1996), where all have intrinsic value but some also have instrumental value in upholding others. This, then, prescribes a model for how territory-metropole relationships should be designed to accommodate territory peoples' rights to self-determination, where their own interpretations of what *non-discrimination* entails should inform how institutions for *self-government* are devised. This, in turn, should ensure that they are able to freely pursue *development* and use *lands and natural resources* in accordance with their own priorities and aspirations, which ultimately safeguards their *cultural integrity*. As an empirical contribution, the thesis has shown that this is often perceived as lacking in current arrangements, leading to fears of metropolitan values (sometimes framed as "shared values") and objectives dominating in development processes, and the metropole dictating without territory peoples being able to effectively participate.

Finally, a contribution of the thesis lies in demonstrating the importance of centring first-hand perspectives in studies on metropolitan affiliation,

by pointing to contrasts between what could be expected based on e.g. statistical studies about the benefits of metropolitan ties, and what experiences exist "on the ground" (reinforcing the arguments made by Androus and Greymorning, 2016). Many interview responses and committee addresses directly challenged portrayals of present relationships as being voluntary, "partnerships," a "best of both worlds," or entailing real self-governance. To draw a parallel: when Erk and Veenendaal (2014) set out to study democracy in microstates, they started from the observation that a small polity size tends to be strongly and positively correlated with democracy based on the available data from Freedom House, leading many scholars to theorise about a "micro-democratic miracle." Through case studies and field work in four microstates, the authors found much more anti-democratic realities where politics tended to be highly personalised, press freedom questionable, and patron-client linkages prevalent. Based on this, they concluded that "small looks good – from far away." I would argue similarly that metropolitan affiliation tends to look good – from far away. It is only when one gets closer that it can be revealed whether arrangements that might "look like paradise" are actually experienced as such, or whether they conversely "feel like hell."

10.2. Implications

Overall, this thesis has demonstrated the importance of developing a concept of self-determination, including but not limited to the choice for a permanent political status, and considering all of its aspects and elements before drawing conclusions about the self-determination implications of contemporary metropolitan affiliation. In line with Prinsen and Blaise (2017), it has further demonstrated the gains that can be made by continuing to bridge the gap between theories, frameworks and writings on Indigenous self-determination and those pertaining to the self-determination of NSGT peoples.

The main legal difference between Indigenous- and NSGT peoples (although in some cases these categories overlap), is that the latter have a recognised right to independent statehood whereas this typically is not

the case for the former, whose self-determination then needs to be exercised within the boundaries of existing states (in many cases, autonomy within the state is considered preferable to sovereign statehood among Indigenous groups themselves, Corntassel, and Primeau, 2006: 72). While this could give the impression that NSGT peoples are overall *more* self-determining than Indigenous peoples, the opposite could be said if the right to separate is only really existent "on paper" but not likely to be acted on in practice, and if the existence of this right in turn leads international and academic communities to overlook NSGT peoples' (ongoing, constitutive) self-determination *within* metropolitan relationships. The findings of this thesis suggest that this has been the case with OTs, where interviewees pointed to a lack of international attention to the metropolitan state's conduct towards the territories based on a tacit assumption that "you're in that relationship because you want to be" (Interviewee 2).

I have argued that the availability of this option does not legitimise violations of self-determination within territory-metropole relationships, as colonised peoples' rights to (ongoing and constitutive) self-determination should be guaranteed regardless of whether ties will remain or be severed in the future. The findings of this thesis have pointed to challenges to, and violations of, self-determination in both its ongoing and its constitutive aspect in the world's remaining NSGTs. The relative socio-economic benefits of metropolitan affiliation notwithstanding, if self-determination is to be considered an imperative for the full enjoyment of all human rights, the present situation should not be acceptable. An implication that follows from this, then, is the need for legal frameworks on the rights of colonised peoples *within* metropolitan relationships, to impose obligations on states to not violate self-determination for as long as relationships persist.

The UNDRIP includes 46 articles, relating to Indigenous peoples' rights to autonomy and self-government (Article 4), to distinct institutions and political participation (Article 5), to freedom from assimilation (Article 8), and to consultation and free, prior and informed consent on matters that may affect them (Article 19). ILO Convention 169 encompasses 44 articles pertaining to Indigenous rights, including

the right to consultation and participation in relevant decision-making (Articles 6; 7). The 2016 American Declaration on the Rights of Indigenous Peoples includes 41 articles pertaining to e.g. rights to effective participation and consultation, land and development. By contrast, the key UN declaration on the rights of colonised peoples, the 1960 *Declaration on the Granting of Independence to Colonial Countries and Peoples* or Resolution 1514, is wholly focused on the right to "complete independence." Resolution 1541 expands the options but is still largely focused on the right to choose a permanent political status – a right that is further limited in practice as any option besides independence would require the consent of another state. Based on the findings of this thesis, this is overly limited, and I argue that rights frameworks for NSGT peoples should be expanded to include principles for how metropolitan states may act in relation to the governing of NSGTs. Such frameworks should consider both the constitutive and the ongoing aspects of self-determination and serve to mitigate the self-determination perils stemming from the territories' ambiguous statuses.[100]

An objection as to why international legal frameworks for colonised peoples should be developed, as they have been for Indigenous peoples, is that it is questionable whether e.g. the UNDRIP and ILO conventions are forceful enough to effectively protect Indigenous rights. As Chapter 4 showed, one of the cases where an NSGT people's self-determination, as understood here, is most clearly violated is Guam, which does have a recognised Indigenous population to which these declarations and conventions should already apply. They thus appear to have little effect, given how Chamorro representatives have repeatedly called attention to

[100] Given how NSGT- and Indigenous peoples share similarities in many key respects, e.g. being distinct peoples with self-determination rights, and being in relationships with metropolitan/encompassing states as a result of colonisation, it is reasonable to suggest that frameworks similar to those that have been developed for Indigenous peoples should also be developed to promote self-determination for NSGT peoples within metropolitan relationships. This could address e.g. the issue of "consultation" being ill-defined and up for interpretation by introducing stricter demands for such processes.

Indigenous lifeways, sites and development opportunities being undermined in the militarisation process without their consent. If international legal frameworks are non-enforceable and ultimately risk becoming mere paper tigers, why spend time developing them?

For several reasons, I would argue that there is still value in developing better rights frameworks for colonised peoples. First, the question of state compliance and (lacking) implementation should be considered a separate issue – the problem is not the declarations, but the fact that states are not implementing them. Even in societies where some people are always going to continue to commit crimes, and where some will get away with doing so, this does not mean that there is no point in having laws in place that stipulate what is and is not permitted. There is still value in setting norms for acceptable behaviour, and in having rules systems that persons can appeal to in cases of victimisation. Second, some states may in fact be willing to better protect and respect the rights of colonised peoples, and if so, elaborated frameworks would provide guidance. Third, if states are not initially keen on implementing these frameworks, they will still contribute to a change in international norms. With the existing resolutions' exclusive focus on political status options, it appears to have become acceptable for states to simply affirm a right to separate and otherwise retain the status quo. Additional declarations, resolutions or conventions regarding how NSGT-metropole relationships can permissibly be structured so as to not violate self-determination until a choice for a permanent status is made would reinvigorate debates on decolonisation and alter the "value context in which states make policies" (Keck and Sikkink, 2019: 70).

In terms of policy implications pertaining to UK-OT relationships, a first point that can be made here is that the views of self-determination that have been articulated in major policy documents structuring these relationships need to be revisited and broadened. While the UK metropole has endeavoured to "refocus and renew" OT links since 1999 (Clegg and Gold, 2011: 115), which should be seen as a welcome step away from its previous "bias for independence" (Hinjens and Hodge, 2012) and ad-hoc approaches to the territories, mentions of self-determination in the 1999 and 2012 White Papers have been largely

limited to the context of OTs either going independent or choosing to retain the British connection. Such binary understandings are perhaps not surprising seeing how independent statehood has become cemented as the expected outcome of decolonisation since the 1960s. However, with the scepticism that many interviewees expressed in regards to the independence option, along with the recognition that independent statehood is "at most, instrumental" to the realisation of values such as freedom and equality (Anaya, 2009: 188) and that intergroup relations can theoretically promote self-determination (Nine, 2022), the binary understanding appears obsolete and unfit for present circumstances. As Anaya (2009: 188-189) points out, such a narrow, state-centred vision is "blind to the contemporary realities of a world that is simultaneously moving toward greater interconnectedness and decentralization." This was similarly highlighted by interviewees questioning whether nominally independent states are truly "independent" given interdependencies in the international system.

While the option to seek independence should certainly remain as part of the right to decolonisation, UK-OT arrangements (and territory-metropole arrangements overall) would benefit from a more nuanced view of what self-determination requires within continued, contemporary relationships. For this, a consideration of both its ongoing and constitutive aspects is appropriate. Basing relationships on a view of self-determination that does not only amount to a binary choice between staying and leaving would also challenge the metropolitan state to consider whether features of present arrangements can be reconciled with such an understanding, or whether they should be altered. If they cannot be altered, and are not compatible with a more elaborate concept of self-determination such as the one suggested here, reconsideration of options such as free association become even more important, as the status quo would then be identified as violating self-determination.

On the territory-level, a more elaborate understanding of self-determination would also benefit local debates. While independence should remain an option (some interviewees indeed passionately argued for it), the general view of it as OT peoples' *only* entitlement to self-

determination leads to difficulties in challenging present arrangements. If we can also identify e.g. a lack of meaningful participation in decision-making processes; power imbalances in constitutional negotiations; the possibility for constitutional suspension; metropolitan direct legislation without consent; conditional, necessary financial support being based on metropolitan interests; metropolitan domination in development processes and the management of resources, as relating to self-determination, this would render violations of this right visible. It would also allow OT leaders to initiate discussions about self-determination without this being automatically interpreted as a push for full independence. Several interviewees pointed to a need for education on the topic of self-determination, including all available status options (see also, Penn-Lettsome, 2023: 13). I argue that aside from the stipulated status options, such education should include discussions regarding how OT-UK relationships can legitimately look so as to not undermine self-determination until a permanent status is chosen, and the rights of OT peoples in regards to the structuring of such relationships (possibly also to initiate discussions on the, so far notoriously ill-defined "fourth option," Perham, 2013).

In terms of the participation of OT peoples in decisions that impact on them, it is clear that they need to have a voice in decisions taken on the UK level in some way, as currently the metropole legislates for them without their input. As described by several interviewees, this is experienced as undermining self-government. In the past, this topic has primarily been discussed in regards to formal parliamentary representation, which may not be effective or preferable (Clegg et al, 2022). This thesis has discussed options such as veto powers, stricter requirements for consultation, or a "sliding scale" model (Åhrén, 2016) for determining the level of influence that OT peoples should have in relation to different decisions. Such options, along with parliamentary representation, should be considered based on their potential for ensuring proper, meaningful participatory engagement for OT peoples going forward. As views were divided among interviewees on the topic of parliamentary representation, further research and possibly surveys should be undertaken to examine the extent to which it is desired. If it

is desired by majorities, that does not exclude the possibility of combining it with one or more of the alternatives listed above so as to further ensure that metropolitan legislation for the OTs is not arbitrary and that OT peoples are genuinely involved in relevant decision-making processes where they currently lack a voice.

Aside from changes on the metropolitan side, the thesis has highlighted the need to strengthen institutions to combat corruption and a lack of transparency on the OT level as a requirement for ongoing self-determination. The 2022 COI report on the BVI (Hickinbottom, 2022) outlined a number of recommendations for strengthening good governance in the territory, which in itself was welcomed by many interviewees. However, it is also important that such processes be based on, and institutions devised in accordance with, the will and preferences of the peoples governed. In this regard, the COI sadly became a demonstration of metropolitan overreach in its recommending that the territory's constitution be suspended and powers transferred from elected ministers to the Governor, who further lacks democratic accountability. There is a need to develop and strengthen institutions, and the metropole has a responsibility in such processes, but the imposition of direct rule runs counter to the self-determination requirement that a people should be involved in the shaping of their governing institutions. Seeing as this repeats the distinctive wrong of colonialism, if understood broadly as a denial of constitutive self-determination (Ypi, 2013; Stilz, 2015; Moore, 2016), it should not be permissible.

While this thesis has focused on NSGTs specifically, its theoretical contributions, consisting in discussions and elaborated accounts of constitutive and ongoing self-determination, could also have implications elsewhere. As these concepts have originated within Anaya's writings on Indigenous rights, the theoretical ideas as to why violations of the constitutive aspect to promote the ongoing aspect should not be permitted; how the powers to create, modify, uphold and end the governing order relate to each other, and; the intrinsic and instrumental values of different elements, could possibly contribute to scholarly discussions on how self-determination can be exercised by

Indigenous peoples living within states. The key contention that self-determination needs to be more clearly defined in order for violations of it to be made visible would be applicable in all contexts where a distinct people with self-determination rights live in some form of relationship with a larger state.

10.2.1. Avenues for future research

I suggest that future studies on metropolitan affiliation should move away from what has often seemed like a default starting position, i.e. that of discussing such statuses mainly in comparison to full independence. Authors comparing non-independence to independence and seeking to explain the propensity for the former (McElroy and Pearce, 2006; Baldacchino, 2006a; 2006b; 2010; McElroy and Parry, 2012; Rezvani, 2014; 2016) have made solid points about the relative advantages of affiliation in terms of wealth and security, and even in some respects self-determination. However, concluding that these arrangements are preferable to independence is not sufficient. What should be done to a greater degree is to shift focus away from explaining the propensity for affiliation, and towards analysing in more detail the arrangements that currently exist, their self-determination implications and how they may be altered so as to address persisting high levels of frustration and dissatisfaction (Ferdinand et al, 2020).

Clegg et al (2022) offer a good example of such a study, analysing institutions for the parliamentary metropolitan representation of various affiliated territories. More comparative research regarding how features of metropolitan relationships impact on the governing of NSGTs and other overseas territories, and how they relate to self-determination, would benefit the field. Aside from representation, such features could be voting- and political rights (in-territory and in the metropole – who is included, for what reasons and with what outcomes?); the nature of metropolitan support (promoting or undermining functional autonomy?); the nature of constitutional negotiations. As there is a wide array of governance arrangements tying island territories to metropoles, including but not limited to the NSGTS, opportunities for comparisons

between various French, US, UK, Dutch, New Zealand, Australian, Danish and Finnish models for affiliation are certainly in place.

Further research should also be conducted on how NSGT- and other peoples with self-determination rights view ongoing and constitutive self-determination, and what they consider to be most (or least) important in the design of their relationships with the larger state. Studies have observed that this has often come with trade-offs and dilemmas, making it difficult to structure arrangements for metropolitan affiliation in satisfactory ways (Veenedaal, 2015; Veenedaal and Oostindie, 2018; Ferdinand et al, 2020). With this thesis having demonstrated the value of first-hand perspectives, such perspectives should also continue to be included in discussions on how potential trade-offs are to be handled, what should be prioritised and how relationships should be structured to promote self-determination.

Appendix. 1: Interviews

1. BVI, activist (April 4, 2023)
2. Anguilla, academic (May 11, 2023)
3. BVI, CRC member (March 28, 2023)
4. Anguilla, HoA member (April 17, 2023)
5. Anguilla, journalist (May 5, 2023)
6. Anguilla, former CRC member (April 19 and May 11, 2023)
7. Anguilla, HoA member (May 2, 2023)
8. BVI, lawyer (March 25, 2023)
9. BVI, HoA member (April 3, 2024)
10. BVI, academic (March 28, 2023)
11. BVI, HoA member (April 17, 2023)
12. BVI, academic (March 28, 2023)
13. BVI, civil society org representative (March 28, 2023)
14. Anguilla, HoA member (May 9, 2023)
15. Anguilla, activist, lawyer (May 4, 2023)
16. BVI, lawyer (March 29, 2023)
17. Anguilla, activist (May 4, 2023)
18. BVI, author, lawyer (April 15, 2023)
19. BVI, lawyer (March 30, 2023)
20. BVI, lawyer, political candidate (March 30, 2023)
21. Anguilla, former CRC member (May 10 2023)
22. Anguilla, former opposition leader (May 5, 2023)
23. Anguilla, activist (May 9 2023)
24. BVI, political candidate (March 28, 2023)
25. BVI, journalist and activist (April 11, 2023)
26. BVI, political candidate (April 14, 2023)
27. BVI, political candidate (April 11, 2023)
28. Anguilla, former CRC member (February 3, 2025)

Appendix 2: Interview guide

Introduction

- Could you tell me a little bit about yourself and your role in [governing body/organisation/etc]?

Ideas about self-determination

- Self-determination is often described as quite a difficult concept to define. How would you define it; what does self-determination mean to you?
- If you were to imagine a [BVI/Anguilla] that is self-determining, how would that look? Would independence be necessary for this?
- When people in [BVI/Anguilla] talk about self-determination, how do they typically describe it?
- Do you believe that self-determination is possible within a continued relationship with the UK? What would this take? To what extent would you say that it is currently being achieved?

Constitutive aspect

- [BVI/Anguilla] is classified by the UNGA as a non-self-governing territory, and has been on the list for many decades now. Why do you think this is?
- Could you briefly describe how [BVI/Anguilla] has worked towards self-determination during this time? What have been the most important changes?
- Are there changes that the people have wanted, but that you have not been able to achieve?

- To what extent and how would you say that the people of [BVI/Anguilla] are able to influence how the UK relationship/governance arrangement looks?
- [BVI/Anguilla] is currently in the process of constitutional review, where negotiations with the UK could result in a new constitution. What questions or issues have been most prominent during the discussions that have been part of the review process? What are the motivations/main objectives for renegotiating the constitution? How do you view your opportunities for realising these goals through negotiations with the UK?

Ongoing aspect

- Non-discrimination
    - Your territory has been in a constitutional relationship with the United Kingdom for a long time. What are your views on how your people have been treated by the administering power (in the past; presently)?
    - Do you believe that this is an equal relationship? Why/why not/in what respects?

- Cultural integrity
    - How would you describe the cultural identity of [BVI/Anguilla]? What makes someone a [BVIslander/Anguillian]? How does it relate to a British identity?
    - What do you consider most important for the survival of your culture and identity as a people?
    - Do you feel that your culture can survive and develop freely with the current status? Why/why not?

- Land and natural resources (place)

    - How does the OT status impact on your abilities to exercise control over such things as land use and -ownership, and over the territory's natural resources?
    - How important do you think it is that the physical environment here retains a certain character over time? To what extent, and in what ways, are you able to determine this?

- Social welfare and development

    - How has the UK relationship affected the social and economic development of the territory (positively, negatively)?
    - To what extent has development been based on the preferences of the people? Do you believe that you are able to freely pursue development based on your own priorities as an OT?

- Self-government

    - Do you believe that the people of [BVI/Anguilla] are sufficiently able to participate in democratic decisions that affect them?

        - How do you view the fact that you cannot vote in UK elections or referendums (e.g. Brexit) from the territories? Should you be able to vote? Why/why not?
        - [BVI/Anguilla] does not have formal representation in the UK Parliament. What are your views on this; should the territory have representation? Why/why not?
        - Do you believe that OT representatives are sufficiently involved when decisions which impact on you are made in the UK?

    - Do you think that the powers between your elected government and the UK are divided in a good way? Are they divided in a way that lets you be self-determining? Why/why not?
    - In [BVI/Anguilla], a UK-appointed Governor rules alongside the elected government. How does this work in your opinion? How does it affect your opportunities for self-determination?

Specific features/debates

- In [BVI/Anguilla], belongership determines who has certain rights, including political rights. Why is this is considered important?

    - Who do you think should be allowed to participate in territory-level elections? What should determine this?
    - Who do you think should be allowed to participate in political status referendums?

- In a report published by the UK House of Commons Foreign Affairs Committee in 2019, belongership was described as discriminatory and it was recommended that it be abolished. What are your views on that recommendation/criticism?
- In 2018 the UK introduced a law (SAMLA) on public registers of the beneficial ownership of companies. What was your reaction to this? How did people in [BVI/Anguilla] respond to it? How do you view the powers of the UK to legislate for the OTs?
- **(For the BVI):** The BVI was recently subject to a Commission of Inquiry, with a report recommending that parts of the constitution be suspended. How did you react to this? How has it affected the territory and its relationship with the UK? Do you think that the UK should step in when it suspects that good governance standards are not met in the OTs?

End

- Are there any aspects of, or issues relating to, self-determination and/or your relationship with the UK that we have not yet discussed and that you find important?
- Is there anyone who you think I should contact for an interview?

References

Adler-Nissen, R. & Gad, U. P. (eds). (2013). *European Integration and Postcolonial Sovereignty Games: The EU Overseas Countries and Territories*. Oxfordshire: Routledge.

Åhrén, M. (2016). *Indigenous Peoples' Status in the International Legal System*. Oxford: Oxford University Press.

Alberti, F. & Goujon, M. (2020). A composite index of formal sovereignty for small islands and coastal territories. *Island Studies Journal*, 15(1): 3-24.

Aldrich, R. & Connell, J. (1998). *The Last Colonies*. Cambridge University Press.

Aldrich, R. & Connell, J. (2020). *The Ends of Empire: The Last Colonies Revisited.* Palgrave Macmillan.

Alvesson, M. (2023). *Interpreting Interviews* (2nd ed). SAGE Publications Ltd.

Anaya, J. (1993). A Contemporary Definition of the International Norm of Self-Determination. *Transnational Law & Contemporary Problems*, 3(1): 131-164.

Anaya, J. (1996). *Indigenous Peoples in International Law.* Oxford: Oxford University Press.

Anaya, J. (2004). International Human Rights and Indigenous Peoples: The Move Toward the Multicultural State. *Arizona Journal of International & Comparative Law*, 21(1): 13-60.

Anaya, J. (2009). The Right of Indigenous Peoples to Self-Determination in the Post-Declaration Era. In: Charters, C. & Stavenhagen, R. (eds). *Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples*. Copenhagen: IWGIA.

Androus, Z. & Greymorning, N. (2016). Critiquing the SNIJ Hypothesis with Corsica and Hawai'i. *Island Studies Journal,* 11(2): 447-464.

Anguilla Focus (2024).“Education minister underscores value of regular dialogue with the UK. *Anguilla Focus,* November 20.

Available at https://anguillafocus.com/education-minister-underscores-value-of-regular-dialogue-with-uk/

Anguilla Government. (2023). *Written evidence from The Government of Anguilla (SOT88).* Public Administration and Constitutional Affairs Committee, The Status of the UK's Overseas Territories in the 21st Century Inquiry.

Armstrong, H.W & Read, R. (2000). Comparing the economic performance of dependent territories and sovereign micro-states. *Economic Development and Cultural Change*, 48(2): 285-306.

Baldacchino, G. (2006a). Managing the hinterland beyond: Two ideal-type strategies of economic development for small island territories. *Asia Pacific Viewpoint* 47(1): 45–60.

Baldacchino, G. (2006b). Innovative development strategies from non-sovereign island jurisdictions? A global review of economic policy and governance practices. *World Development*, 34(5): 852-867.

Baldacchino, G. (2008). Studying Islands: On Whose Terms? *Island Studies Journal*, 3(1): 37-56.

Baldacchino, G. (2010). *Island Enclaves: Offshoring Strategies, Creative Governance, and Subnational Island Jurisdictions*. Montreal: McGill-Queen's University Press.

Baldacchino, G. & Milne, D. (2006). Exploring sub-national island jurisdictions: An editorial introduction. *The Round Table*, 95(386): 487-502.

Baldacchino, G. & Hepburn, E. (2012). A different appetite for sovereignty? Independence movements in subnational island jurisdictions. *Commonwealth & Comparative Politics*, 50(4): 555-568.

Bartmann, B. (2006). In or out: Sub-national island jurisdictions and the antechamber of paradiplomacy. *The Round Table*, 95(386): 541-559.

Beckman, L, Gover, K. & Mörkenstam, U. (2022). The popular sovereignty of Indigenous peoples: a challenge in multi-people states. *Citizenship Studies*, 26(1): 1-20.

Benhabib, S. (2004). *The Rights of Others: Aliens, Residents and Citizens*. Cambridge: Cambridge University Press.

Benwell, M. C. & Pinkerton, A. (2016). Brexit and the British Overseas Territories: Changing Perspectives on Security. *The RUSI Journal*, 161(4): 8-14.

Benton, L. (2010). *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900*. New York: Cambridge University Press.

Bertram, G. (2004). On the Convergence of Small Island Economies with Their Metropolitan Patrons. *World Development*, 32(2): 343–364.

Bertram, G. (2006). The MIRAB model in the twenty-first century. *Asia Pacific Viewpoint*, 47(1): 1-13.

Bertram, G. (2015). Is independence good or bad for development in small island economies? A long-run analysis. *Région et Développement*, 42: 31-54.

Bevacqua, M. L. (2010). *Chamorros, ghosts, non-voting delegates: GUAM! Where the production of America's sovereignty begins*. Dissertation. University of California, San Diego.

Bevaqua, M. L. & Kuper, K. G. (2016). Gefpå'go na Dinagi: Decolonization and the Chamorro Language of Guam. In: Ishihara, M., Hoshino, E., Fujita, Y. (eds), *Self-determinable Development of Small Islands*. Springer, Singapore.

Bird, R. (2024). Gov't income from .ai domain projected to exceed $100 million for 2024. *Anguilla Focus*, December 12. Available at https://anguillafocus.com/govt-income-from-ai-domain-projected-to-exceed-100m-for-2024/

Blaise, S., Carine, D. & Prinsen, G. (2022). For a re-appraisal of the concepts of 'decolonization, independence, sovereignty' to the prism of the New Caledonian experience. *Journal de la Société des Océanistes* [En ligne] 155: 327-344.

Bloemraad, I. (2018). Theorising the power of citizenship as claims-making. *Journal of Ethnic and Migration Studies* 44(1): 4-26.

Bonilla, Y. (2013). Ordinary Sovereignty. *Small Axe*, 17(3): 151-165.

Bonilla, Y. (2017). Unsettling Sovereignty. *Cultural Anthropology*, 32(3): 330–339.

Bosque, M. M. (2017). A New Scenario for British Overseas Territories and Crown Dependencies? *The Round Table*, 106(5): 523-541.

Bosque, M. M. (2020). The sovereignty of the Crown Dependencies and the British Overseas Territories in the Brexit era. *Island Studies Journal*, 15(1): 151-168.

Brathwaite, E. K. (1973). *The Arrivants: A New World Trilogy*. Oxford University Press.

Burnett, C. D. & Marshall, B. (eds). 2001. *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution.* Durham: Duke University Press.

BVI Beacon (2017). EDITORIAL: A backward step. *BVI Beacon,* March 2. Available at https://www.bvibeacon.com/editorial-a-backward-step/

BVI Government. (2016). *Go Fish! BVI Fishing Industry on the Rise.* Press release, 7 October. Available at https://www.bvi.gov.vg/media-centre/go-fish-bvi-fishing-industry-rise

BVI Government. (2021). *Response of the Elected Government to the Position Statement on Governance of His Excellency Governor John Rankin CMG.* Available at https://bvi.public-inquiry.uk/sites/default/files/2021-09/Response%20of%20the%20elected%20Government%20to%20the%20Position%20Statement%20on%20Governance%20of%20His%20Excellency%20Governor%20John%20Rankin%20CMG.PDF

BVI Government. (2023). *Written evidence from The Government of the Virgin Islands (SOT64).* Public Administration and Constitutional Affairs Committee, The Status of the UK's Overseas Territories in the 21st Century Inquiry.

BVI News (2017). Gov not sure he will invoke power like Duncan. *BVI News,* August 30. Available at https://bvinews.com/gov-not-sure-he-will-invoke-power-like-duncan/

BVI News (2021). Our governors wrongfully using the powers of assent as 'veto.' *BVI News,* December 23. Available at https://bvinews.com/our-governors-wrongfully-using-powers-of-assent-as-veto/

BVI News (2022a). COI conflated self-determination and good governance – Walwyn. *BVI News,* October 7. Available at https://bvinews.com/coi-conflated-self-determination-and-good-governance-walwyn/

BVI News (2022b). Everybody's afraid of independence. *BVI News,* December 28. Available at https://bvinews.com/everybodys-afraid-of-independence/

BVI News (2022c). Gov't made embarrassing gamble by declining UK's loan guarantee. *BVI News,* February 10. Available at https://bvinews.com/govt-made-embarrassing-gamble-by-declining-uks-loan-guarantee/

BVI News (2022d). Premier does not regret rejecting UK's $426M loan guarantee offer. *BVI News,* February 28. Available at https://bvinews.com/premier-does-not-regret-rejecting-uks-426m-loan-guarantee-offer/

BVI News (2023a). I'm not pushing for BVI's independence – Premier. *BVI News*, October 10. Available at https://bvinews.com/im-not-pushing-for-bvis-independence-premier/

BVI News (2023b). BVI made gigantic mistake rejecting UK loan guarantee – Pickering. *BVI News*, March 9. Available at https://bvinews.com/bvi-made-gigantic-mistake-rejecting-uk-loan-guarantee-pickering/

BVI News (2024a). D6 people never said they wanted independence – Walwyn. *BVI News*, October 24. Available at https://bvinews.com/d6-people-never-said-they-wanted-independence-walwyn/

BVI News (2024b). Independence talks: 'We have to move to something.' *BVI News*, January 10. Available at https://bvinews.com/independence-talks-we-have-to-move-to-something/

BVI News (2024c). Should governors be allowed full law-making powers in the VI? *BVI News*, April 9. Available at https://bvinews.com/should-governors-be-allowed-full-law-making-powers-in-the-vi/

BVI News (2024d). Governor denies tampering with BVI's democracy. *BVI News*, January 18. Available at https://bvinews.com/governor-denies-tampering-with-bvis-democracy/

BVI News (2024e). Governor shouldn't try to bypass democracy – Premier. *BVI News*, January 8. Available at https://bvinews.com/governor-shouldnt-try-to-bypass-democracy-premier/

BVI News (2024f). Additional powers for Governor still a possibility. *BVI News*, February 14. Available at https://bvinews.com/additional-powers-for-governor-still-a-possibility/

BVI News (2024g). Will the next Governor have additional powers over BVI? *BVI News*, January 19. Available at https://bvinews.com/will-the-next-governor-have-additional-powers-over-bvi/

BVI News (2025a). Independence referendum could be a trap – Troy Christopher. *BVI News*, May 19. Available at https://bvinews.com/independence-referendum-could-be-a-trap-troy-christopher/

BVI News (2025b). We have to learn better negotiating skills – Walwyn. *BVI News*, May 2. Available at https://bvinews.com/we-have-to-learn-better-negotiating-skills-walwyn/

Cárdenas, E. J. & Cañas, M. F. (2002). The Limits of Self-Determination. In: Danspeckgruber, Wolfgang (ed), *The Self-Determination of Peoples: Community, Nation and State in an Interdependent World*. London: Lynne Rienner Publishers.

Carens, J. H. (2000). *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness.* Oxford University Press.

Clegg, P. (2006). The UK Caribbean Overseas Territories, New Labour, and the Strengthening of Metropolitan Control. *Caribbean Studies* 34(1); 131-161.

Clegg, P. (2012a). Independence movements in the Caribbean: withering on the vine? *Commonwealth & Comparative Politics*, 50(4): 422-438.

Clegg, P. (2012b). The Turks and Caicos Islands: Why Does the Cloud Still Hang? *Social and Economic Studies,* 61(1): 23-47.

Clegg, P. (2016). Brexit and the Overseas Territories: Repercussions for the Periphery. *The Round Table* 105(5): 543–555.

Clegg, P. (2018). The United Kingdom and its Overseas Territories: No longer a 'benevolent patron'? *Small States & Territories,* 1(2): 149-168.

Clegg, P. (2023). *Written evidence from Professor Peter Clegg (SOT31).* Public Administration and Constitutional Affairs Committee, The Status of the UK's Overseas Territories in the 21st Century Inquiry.

Clegg, P. & Gold, P. (2011). The UK Overseas Territories: A decade of progress and prosperity? *Commonwealth & Comparative Politics*, 49(1): 115-135

Clegg, P. & Killingray, D. (eds). (2012). *The non-independent territories of the Caribbean and Pacific: Continuity or Change?* University of London: Institute of Commonwealth Studies.

Clegg, P., Harder M. M. S., Nauclér, E. & Alomar, R. C. (2022). Parliamentary representation of overseas territories in the metropolis: a comparative analysis. *Commonwealth and Comparative Politics*, 60(3): 229–253.

Clegg, P., Matheson, K & Bosque, M. M. (2023). *Global Britain, contested spaces, and the UK Overseas Territories: A report on the existing and future relationship between the UK and its Overseas Territories.* Report.

Commission of Inquiry. (2021). *Hearings: Day 50*. Transcript.
Commission of Inquiry. (2021). *Hearings: Day 55*. Transcript.
Connell, J. (1994). Britain's Caribbean colonies: The end of the era of Decolonisation? *Journal of Commonwealth & Comparative Politics,* 32(1): 87-106.
Connolly, S. (2024). OECS blasts governor's request for new powers. *BVI Beacon,* 18 January. Available at: https://www.bvibeacon.com/oecs-blasts-governors-request-for-new-powers/
Colon-Rios, J. (2023). Introduction: Seven Theses on the Constituent Power. *Journal of Legal Philosophy* 48(1): 38-43.
Corbin, C. G. (2009a). A view of the Metropole. In: Pantojas-Garcia, E. & Clegg, P. (eds.) *Governance in the Non-independent Caribbean: Challenges and Opportunities in the Twenty-first Century.* Kingston: Ian Randle Publishers.
Corbin, C. G. (2009b). Dependency Governance and Future Political Development in the Non-Independent Caribbean. In: Cooper, A. F. & Shaw, T. M. (eds). *The Diplomacies of Small States: Between Vulnerability and Resilience.* Palgrave Macmillan.
Corbin, C. G. (2012). Self-governance deficits in Caribbean non-independent countries. In Clegg, P. & Killingray, D. (eds.). *The non-independent territories of the Caribbean and Pacific: Continuity or change?* (163-193). London: Institute of Commonwealth Studies.
Cornell, S. (2015). Processes of Native Nationhood: The Indigenous Politics of Self-Government. *The International Indigenous Policy Journal* 6(4).
Corntassel, J. & Primeau, T. H. (2006). Indigenous Sovereignty and International Law: Revised Strategies for Pursuing Self-Determination. *Hawaiian Journal of Law and Politics,* 2: 52-72.
Cutler, L. N. (1992). Foreword. In: Halperin, M. H., Scheffer, D. J. & Small, P. L. *Self-Determination in the New World Order.* Washington DC: Carnegie Endowment for International Peace.
Dahl, A. (2018). *Empire of the People: Settler Colonialism and the Foundations of Modern Democratic Thought*. University Press of Kansas.
Dahl, R. A. (1989). *Democracy and Its Critics.* Yale University Press.
Duara, P. (ed). (2004). *Decolonization: Perspectives from Now and Then.* London: Routledge.
Dunn, L. (2011). The impact of political dependence on small island jurisdictions. *World Development,* 39(12): 2132–2146.

Duke, G. (2023). Can the people exercise constituent power? *I•CON*, 21(3): 798–825.

Erk, J., & Veenendaal, W. (2014). Is small really beautiful? the microstate mistake. *Journal of Democracy*, 25(3): 135-148.

Ferdinand, M., Oostindie, G. & Veenendaal, W. (2020). A global comparison of non-sovereign islands: the search for 'true equality.' *Island Studies Journal* 15(1): 43-66.

Fisch, J. (2015). *The Right of Self-Determination of Peoples: The Domestication of an Illusion.* Cambridge University Press.

Foreign Affairs Committee. (2008). *Overseas Territories: Seventh Report of Session 2007-8.* Report No. HC 147-1. London: The Stationery Office Limited.

Foreign Affairs Committee. (2018). *Oral evidence: Future of the UK Overseas Territories.* Report No. HC 1464.

Foreign Affairs Committee. (2019a). *Global Britain and the British Overseas Territories: Resetting the relationship*. Fifteenth Report of Session 2017-19. Report No. HC 1464.

Foreign Affairs Committee. (2019b). *Global Britain and the British Overseas Territories: Resetting the relationship: Government response to the Committee's Fifteenth Report*. Report No. HC 2174.

Foreign and Commonwealth Office. (1997). *Contingent Liabilities in the Dependent Territories.* Report by the Comptroller and Auditor General.

Foreign and Commonwealth Office. (1999). *Partnership for Progress and Prosperity: Britain and the Overseas Territories*. Cm 4264, London: The Stationery Office.

Foreign and Commonwealth Office. (2008). *The United Kingdom's relationship with its Overseas Territories: Paper presented to the Pacific regional seminar by the Foreign and Commonwealth Office.* PRS/2008.CRP.9.

Foreign and Commonwealth Office. (2012). *The Overseas Territories: Security, Success and Sustainability*. Cm 8374, London: The Stationery Office.

Foreign, Commonwealth and Development Office. (2023). *Joint Declaration of governments of the United Kingdom and British Overseas Territories: a modern partnership for a stronger British family.*

Fox, G. H. (1995). Self-Determination in the Post-Cold War Era: A New Internal Focus? *Michigan Journal of International Law* 16(3): 733-781.

Fuentes-Rohwer, L. (2008). The Land that Democratic Theory Forgot. *Indiana Law Journal*, 83(4): 1525-1556.

Getachew, A. (2018). The limits of sovereignty as responsibility. *Constellations*, 1-16. DOI: 10.1111/1467-8675.12387

Getachew, A. (2019). *Worldmaking after Empire: The Rise and Fall of Self-Determination*. Princeton University Press.

Gentleman, A. (2023). African and Caribbean nations agree move to seek reparations for slavery. *The Guardian,* November 17 Available at https://www.theguardian.com/world/2023/nov/17/african-and-caribbean-nations-agree-move-to-seek-reparations-for-slavery

Georges, R. (2016). The quiet violence of being. *The BVI Beacon*, May 5. Available at https://www.bvibeacon.com/the-quiet-violence-of-being/

Ghai, Y. (2013). Nature and origins of autonomy. In: Ghai, Yash and Sophia Woodman (eds). *Practising Self-Government: A Comparative Study of Autonomous Regions.* Cambridge University Press.

Go, J. (2024). Reverberations of Empire: How the Colonial Past Shapes the Present. *Social Science History,* 48:1–18.

Goodman, S. W. (2014). *Immigration and Membership Politics in Western Europe*. Cambridge University Press

Gover, D. & Kenny, M. (2016). *Finding the Good in EVEL: An evaluation of 'English voted for English laws' in the House of Commons*. Report published by the Centre on Constitutional Change, St John's Land, University of Edinburgh.

Grydehøj, A. (2016). Navigating the binaries of island independence and dependence in Greenland: Decolonisation, political culture, and strategic services. *Political Geography*, 55: 102-112.

Grydehøj, A. (2018). Hearing voices: colonialism, outsider perspectives, island and Indigenous issues, and publishing ethics. *Island Studies Journal*, 13(1): 3-12.

Guam Economic Development Authority (GEDA) (2020). "United States Military." Available at https://www.investguam.com/economic-resources/military/ (accessed 2020-07-01)

Guillebaud, J. C.. 1976. *Les Confettis l'Empire*. Paris: Seuil.

Hadfield, A. & Whitman, R. G. (2023). The diplomacy of 'Global Britain': settling, safeguarding and seeking status. *International Politics*, DOI: https://doi.org/10.1057/s41311-023-00489-x

Hannum, H. (1990). *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights.* University of Pennsylvania Press.

Hannum, H. (1993). Rethinking Self-Determination. *Virginia Journal of International* Law 34(1): 1-69.

Hansen, P. (2022). Decolonization and the spectre of the nation-state. *British Journal of Sociology*, 73: 35-49.

Hatchard, J. (2018). Money Laundering, Public Beneficial Ownership Registers and the British Overseas Territories: The Impact of the Sanctions and Money Laundering Act 2018 (UK*), The Denning law Journal*, 30: 185-202.

Harmer, N. (2018). Spaces of concern: Parliamentary discourse on Britain's overseas territories. *The Geographical Journal*, 184: 384–397.

Harmer, N., Gaskarth, J. & Gibb, R. (2015). Distant Relations: Identity and Materiality in Elite Discourse on Britain's Overseas Territories. *Global Society*, 29(4): 510-519.

Haugevik, K. & Svendsen, Ø. (2023). On safer ground? The emergence and evolution of 'Global Britain.' *International Affairs*, 99(6): 2387-2404.

Hau'ofa, E. (1993). Our sea of islands. *The Contemporary Pacific*, 6(1): 147-161.

Hendry, I. & Dickson, S. (2018). *British Overseas Territories Law (2nd ed).* Oxford: Hart Publishing.

Hepburn, E. (2012). Recrafting Sovereignty: Lessons from Small Island Autonomies? In: Gagnon, A. G. & Keating, M. (eds). *Political Autonomy and Divided Societies: Imagining Democratic Alternatives in Complex Settings.* Palgrave Macmillan.

Hickinbottom, G. (2022). *British Virgin Islands Commission of Inquiry: Report of the Commissioner The RT Hon Sir Gary Hickinbottom.* Report. Published on the Authority of the Governor of the Virgin Islands.

Hintjens, H. & Hodge, D. (2012). The UK Caribbean Overseas Territories: governing unruliness amidst the extra-territorial EU. *Commonwealth & Comparative Politics*, 50(2): 190-225.

HM Government. (2021). *Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy*. https://www.gov.uk/government/publications/globalbritain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy

IDB and OECD. (2019). *A Beneficial Ownership Implementation Toolkit*.
Island Rights Initiative. (2018). *Mapping the UK's Responsibilities for Human Rights in Crown Dependencies and Overseas Territories (CDOTs).* Report.
Jansen, J. & Osterhammel, J. (2017). *Decolonization: a short history.* Princeton University Press.
Jenkins, Richard. (2004). *Social Identity* (2nd ed). London: Routledge.
Joppke, C. (2017). Citizenship in Immigration States. In: Shachar, A, Bauböck, R., Bloemraad, I & Vink, M. (eds), *The Oxford Handbook of Citizenship.* Oxford University Press.
Kampa, D. (2022). UK loan guarantee off the table. *BVI Beacon*, August 11. Available at https://www.bvibeacon.com/uk-loan-guarantee-off-the-table/
Kayaoglu, T. (2010). Westphalian Eurocentrism in International Relations Theory. *International Studies Review*, 12: 193-217.
Keating, M. (2019). Is a Theory of Self-determination Possible? *Ethnopolitics*, 18(3): 315-323
Keck, M. E. & Sikkink, K. (2019). Transnational advocacy networks in international and regional politics. *International Social Science Journal*, 68(227-228): 65-76.
Kelly, J. D. & Kaplan, M. (2004). My ambition is much higher than independence: US Power, the UN world, the nation-state and their critics. In: Duara, P. (ed). *Decolonization: Perspectives from Now and Then.* London: Routledge.
Knudsen, R. A. (2020). *The Fight over Freedom in 20th- and 21st-Century International Discourse: Moments Of 'Self-Determination.'* Palgrave Macmillan.
Korson, C. (2021). (Re)balancing Inequality through Citizenship, Voter Eligibility and Islandian Sovereignty in Kanaky/New Caledonia. *Geopolitics*, 26(1): 283-313.
Kruse, L-N. M. (2018). *The Pacific Insular Case of American Samoa: Land Rights and Law in Unincorporated US Territories.* Palgrave Macmillan.
Lapidoth, R. (1992). Sovereignty in Transition. *Journal of International Affairs*, 45(2): 325-346.
Le Monde (2024). MPs approve New Caledonia constitutional reform as second night of violence shakes French Territory. *Le Monde*, May 16. Available at https://www.lemonde.fr/en/politics/article/2024/05/15/new-

caledonia-the-assemblee-nationale-approves-constitutional-reform-after-tense-night-on-archipelago_6671516_5.html
Lilleker, D. G. (2003). Interviewing the Political Elite: Navigating a Potential Minefield. *Politics* 23(3): 207–214.
Limtiaco, S. (2020). Independence task force: Davis case not the end of sovereignty pursuit. *Pacific Daily News*, May 7. Available at https://eu.guampdn.com/story/news/local/2020/05/06/independence-task-force-davis-case-sovereignty-pursuit/5180695002/
Lin, T. C.W. (2019). Americans, Almost and Forgotten. *California Law Review*, 107(4): 1249-1302.
Loop News (2022). Concerned Citizens of Anguilla calling for GST to be repealed. *Loop News*, 3 July. Available at https://caribbean.loopnews.com/content/anguillians-calling-goods-services-tax-be-repealed
Malone, K. E. (2023). *Review of policy & process for granting residency & belongership.* Government of the Virgin Islands.
Maurer, B. (1993). Belonging Citizenship and Flexible Specialization in Caribbean Tax Haven (British Virgin Islands). *PoLAR: Political and Legal Anthropology Review*,16(3): 9-18.
Maurer, B. (1997). *Recharting the Caribbean: Land, Law and Citizenship in the British Virgin Islands*. University of Michigan Press.
Maurer, B. (1995). Writing Law, Making a 'Nation': History, Modernity and Paradoxes of Self-Rule in the British Virgin Islands. *Law & Society Review*, 29(2): 255-286.
Maurer, B. (2000). A fish story: Rethinking globalization on Virgin Gorda, British Virgin Islands. *American Ethnologist*, 27(3): 670-701.
McElroy, J. & de Albuquerque, K. (1995). The Social and Economic Propensity for Political Dependence in the Insular Caribbean. *Social and Economic Studies*, 44(2/3): 167-193.
McElroy, J. L. & Mahoney, M. (2000). The propensity for political dependence in island microstates. *Insula: International Journal of Island Affairs*, 9(1): 32–35.
McElroy, J. L. & Sanborn, K. (2005). The propensity for dependence in small Caribbean and Pacific Islands. *Occasional Papers on Islands and Small States*, 6: 1-20.

McElroy, J. L. & Pearce, K. B. (2006). The Advantages of Political Affiliation: Dependent and Independent Small-Island Profiles. *The Round Table,* 95(386): 529–539.

McElroy, J. L. & Parry, C. E. (2012). The long-term propensity for political affiliation in island microstates. *Commonwealth & Comparative Politics* 50(4): 403–421.

Melissaris, E. (2004). The more the merrier: new take on legal pluralism. *Social & Legal Studies,* 13(1): 57-80.

Mikecz, R. (2012). Interviewing Elites: Addressing Methodological Issues. *Qualitative Inquiry,* 18(6): 482-493.

Miller, D. (2020). *Is Self-Determination a Dangerous Illusion?* Cambridge: Polity Press.

Misco, T. & Stahlsmith, M. (2020). What Should Become of the Territories? Teaching the Problematic Past and Present of the 'Unincorporated' Territory. *The Social Studies,* 111(1): 11-17.

Mitchell, D. (2007). A Chronological History Of Anguilla From Its Pre-Columbian Past To The Present Day. *Anguilla Archaeological & Historical Society.* Available at: https://www.aahsanguilla.com/uploads/7/3/7/1/7371196/a_constitutional_history_of_anguilla.pdf (accessed 2024-06-20)

Mitchell, D. (2022). Wishing the Virgin Islands Well from Anguilla. online version available at: https://donmitchellcbeqc.blogspot.com/2022/05/

Mittelman, J. H. (1976). Collective Decolonisation and the U.N. Committee of 24. *The Journal of Modern African Studies,* 14(1): 41-64.

Mohammadi, E, König, T. & Zimmermann, B. (2025). Multi-layered sampling strategy for qualitative interviews: methodical reflections on sampling interviews with the European Research Council review experts. *International Journal of Social Research Methodology,* DOI: 10.1080/13645579.2025.2453935

Moore, M. (2015). *A Political Theory of Territory.* New York: Oxford University Press.

Moore, Margaret (2016), "Justice and Colonialism," *Philosophy Compass*, 447-461.

Mörkenstam, U. (2015). Recognition *as if* sovereigns? A procedural understanding of indigenous self-determination. *Citizenship Studies,* 19(6-7): 634-648.

Nadarajah, Y. & Grydehøj, A. (2016). Island Studies as a Decolonial Project. *Island Studies Journal,* 11(2): 437-446.

Niles, C. (2011). An Open Letter to all Anguillians on the Issue of Constitutional Reform. *The Anguillian,* October 2. Available at https://theanguillian.com/2011/09/an-open-letter-to-all-anguilians-on-the-issue-of-constitutional-reform/

Niles, C. (2012). Anguilla's Governor and Chief Minister – The Real Problem Part 1. *The Anguillian*, January 30. Available at https://theanguillian.com/2012/01/anguilla%E2%80%99s-governor-and-chief-minister-the-real-problem-part-1/

Nine, C. (2022). *Sharing Territories: Overlapping Self-Determination and Resource Rights.* Oxford University Press.

North, D. (1990). *Institutions, institutional change and economic performance*. Cambridge: Cambridge University Press.

North, D. (1992). Institutions, Ideology, and Economic Performance. *Cato Journal*, 11(3): 477-488.

O'Brien, D. & Clegg, P (2023). Roles and responsibilities of Governors in the UK Overseas Territories: Prerogative power and democratic accountability. *Small States & Territories,* 6(2): 135-150.

Office of the Governor (2022). *Statement from Governor John Rankin, CMG: Decision on the Commission of Inquiry Recommendations.* Available at https://www.bvi.gov.vg/media-centre/governors-statement-coi-decision

Office of the Governor (2024). *Press Statement from Governor of the British Virgin Islands Mr John Rankin CMG.* January 5. Available at https://bvi.gov.vg/media-centre/statement-governor-rankin-fifth-quarterly-review-implementation-coi-recommendations

One VI Agenda (2023). *Written evidence from One Virgin Islands Agenda (SOT29).* Public Administration and Constitutional Affairs Committee, The Status of the UK's Overseas Territories in the 21st Century Inquiry.

Ormond, K. (2016). Statement by Ms, Krysteen Ormond. Pacific Regional Seminar, PRS/2016/CRP.10

Osiander, A. (2001). Sovereignty, International Relations, and the Westphalian Myth. *International Organization* 55(2): 251–87.

Overton, J., Prinsen, G, Murray, W. E. & Wrighton, N. (2012). Reversing the Tide of Aid: Investigating Development Policy Sovereignty in the Pacific. *Journal de la Société des Océanistes [En ligne]*, 135: 229-242.

Penn-Lettsome, L. (2023). *2022-2023 Constitutional Review Commission Report: Looking to the future through the lens of our past*. Government of the Virgin Islands.

Perez, M. P. (2006). Chamorro Resistance and Prospects for Sovereignty in Guam. In: Barker, J. (ed). *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination.* University of Nebraska Press.

Perham, E. (2013). A Solution for the Third International Decade for the Eradication of Colonialism: a 'Fourth' Option to Obviate the Need for a Fourth Decade? *New Zealand Yearbook of International Law*, 11: 3-26.

Philpott, D. (1998). "Self-Determination in Practice." In: Moore, M (ed). *National Self-Determination and Secession* (79-100). Oxford: Oxford University Press.

Philpott, D. (2001). *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations.* Princeton University Press.

Pitty, R. & Smith, S. (2011). The Indigenous Challenge to Westphalian Sovereignty. *Australian Journal of Political Science* 46(1): 121-139.

Premier's Office. (2019). *Address by Hon. Andrew A Fahie, Premier of the Virgin Islands: Recovery and Development Loan Guarantee.* 16 August. https://bvi.gov.vg/media-centre/premier-fahies-address-recovery-and-development-loan-guarantee

Prinsen, G. & Blaise, S. (2017). An emerging 'islandian' sovereignty of non-self-governing islands. *International Journal* 72(1): 56-78.

Prinsen, G., Lafoy, Y. & Migozzi, J. (2017). Showcasing the sovereignty of non-self-governing islands: New Caledonia. *Asia Pacific Viewpoint*, 58(3): 331-346.

Rezvani, D. A. (2014). *Surpassing the sovereign state: The wealth, self-rule, and security advantages of partially in-dependent territories.* Oxford: OUP Oxford.

Rezvani, D. A. (2016). Partial Independence Beats Full Independence. *Territory, Politics, Governance*, 4(3): 269-296.

Rodrik, D. (2013). Who Needs the Nation-State? *Economic Geography* 89(1): 1-19.

Roepstorff, K. (2012). *The Politics of Self-Determination: Beyond the Decolonisation Process*. New York: Routledge.

Rosas, A. (2001), The right to self-determination. In: Eide, A., Krause, C. & Rosas, A. (eds), *Economic, Social and Cultural Rights.* The Hague: Kluwer law International.

Rothermund D. (2006). *The Routledge companion to decolonization*. London & New York: Routledge.
Royle, S. A. (2010). Postcolonial culture on dependent islands. *Space and Culture* 13(2): 203-215.
Saul, M. (2011). The Normative Status of Self-Determination in International Law: A Formula for Uncertainty in the Scope and Content of the Right? *Human Rights Law Review*, 11(4): 609-644.
Scartozzi, C. M. (2017). Decolonizing One Petition at the Time: A Review of the Practice of Accepting Petitions and Granting Oral Hearings in the Fourth Committee of the UN General Assembly. *POLITIKON: The IAPSS Journal of Political Science*, 34: 49-67.
Scott, D. (2012). Norms of Self-Determination: Thinking Sovereignty Through. *Middle East Law and Governance* 4(2–3): 195–224.
Scott, P. F. (2023). Corruption and the constitutional position of the Overseas Territories. *Oxford University Commonwealth Law Journal*, 23(1): 44-68.
Senese, S. (1989). External and internal self-determination. *Social Justice* 16(1): 19-25.
Simpson, B. (2014). The Many Meanings of National Self-Determination. *Current History*, 113(766): 312–317.
Simpson, G. (2016). Something to do with States. In: Orford, A. & Hoffmann, F. (eds), *The Oxford Handbook of the Theory of International Law*. Oxford University Press.
Spitzer, A. (2022). Approaching the boundary problem: Self-determination, inclusion, and the unpuzzling of transboundary conflicts. *Journal of International Political Theory*, 18(2): 244-261.
Stake, R. E. (2005). *Multiple Case Study Analysis.* New York: Guilford Publications.
Stavenhagen, R. (1996). Self-determination: Right or Demon? In: Clark, D. & Williamson, R. (eds), *Self-determination: International Perspectives*. London: Macmillan Press Ltd.
Stilz, A. (2015). Decolonization and Self-determination. *Social Philosophy & Policy*, 32(1): 1-24.
Stilz, A. (2019). *Territorial Sovereignty: A Philosophical Exploration.* Oxford University Press.

Summers, J. (2004). The Rhetoric and Practice of Self-Determination: A Right of All Peoples or Political Institutions? *Nordic Journal of International Law*, 73: 325-363.

Suksi, M. (2011). *Sub-state Governance Through Territorial Autonomy: A Comparative Study in Constitutional Law of Powers, Procedures and Institutions.* Springer Berlin Heidelberg.

Tansey, O. (2011). Does democracy need sovereignty? *Review of International Studies*, 37: 1515–1536.

Taylor, D. (2000). British Colonial Policy in the Caribbean: The Insoluble Dilemma - the Case of Montserrat. *The Round Table*, 89(355): 337-344.

Terracol, M. (2015). *How to reduce levels of corruption at country level: Lessons learned.* U4 expert answer. https://www.u4.no/publications/how-to-reduce-levels-of-corruption-at-country-level-lessons-learned

The Anguillian (2020). UK grants funding for the resurfacing of the CJLIA runway. *The Anguillian*, November 23. Available at https://theanguillian.com/2020/11/uk-grants-funding-for-the-resurfacing-of-the-cjlia-runway/

The Anguillian (2021a). UK Government gives Anguilla head start for 2021. *The Anguillian*, January 11. Available at https://theanguillian.com/2021/01/uk-government-gives-anguilla-head-start-for-2021/

The Anguillian (2021b). Premier Webster looks forward to more aid in 2021. *The Anguillian*, January 12. Available at https://theanguillian.com/2020/10/premier-webster-looks-forward-to-more-uk-aid-in-2021/

The Anguillian (2021c). Chain of GST Correspondence: Attorney Josephine Gumbs-Connor; Opposition Leader, Mrs Cora Richardson Hodge; Rev. Wilmoth Hodge, President Anguilla Christian Council; and Governor Dileeni Daniel-Selvaratnam. *The Anguillian*, August 16. Available at https://theanguillian.com/2021/08/chain-of-gst-correspondence-attorney-josephine-gumbs-connor-opposition-leader-mrs-cora-richardson-hodge-rev-wilmoth-hodge-president-anguilla-christian-council-and-governor-dileeni-daniel-selv/

The Anguillian (2021d). Preparing for the Goods and Services Tax (GST). *The Anguillian* March 1. Available at https://theanguillian.com/2021/03/preparing-for-the-goods-and-services-tax-gst/

The Anguillian (2023). Opposition parliamentarians continue to criticize government for implementing GST. *The Anguillian*, July 25. Available at https://theanguillian.com/2023/07/opposition-parliamentarians-continue-to-criticize-government-for-implementing-gst/

The Guam Daily Post (2020). Arnold Davis wins 'final victory and justice' in plebiscite appeal. *The Guam Daily Post*, May 5. Available at https://www.postguam.com/news/local/arnold-davis-wins-final-victory-and-justice-in-plebiscite-appeal/article_63606a24-8e15-11ea-a537-f7a6e957e167.html

The Guardian (2024). Macron suspends controversial voting reforms in New Caledonia after deadly unrest. *The Guardian*, June 13. Available at https://www.theguardian.com/world/article/2024/jun/13/new-caledonia-unrest-emmanuel-macron-voting-reforms-suspended

Torres, N. M. (2012). Self-Determination Challenges to Voter Classifications in the Marianas after Rice v. Cayetano: A Call for a Congressional Declaration of Territorial Principles. *Asian-Pacific Law & Policy Journal* 14(1):153-202.

Tracy, S. J. (2010). Qualitative Quality: Eight 'Big-Tent- Criteria' for Excellent Qualitative Research. *Qualitative Inquiry* 16(10): 837-851.

Turner, O. (2013). 'Finishing the job': the UN Special Committee on Decolonization and the politics of self-governance. *Third World Quarterly*, 34(7): 1193-1208.

Uçaner, K. (2022). The Social Construction of a 'Pan-Arab Hero': Gamal Abdel Nasser. *Gaziantep University Journal of Social Sciences*, 21(4): 2389-2407.

UK House of Commons. (2023). *Overseas Territories. Volume 732: debated on Thursday 11 May 2023.* Hansard. Available at: https://hansard.parliament.uk/commons/2023-05-11/debates/CCC3D872-ADFF-4439-A7C4-7AAFA81EBF33/OverseasTerritories

UK House of Lords. (2023). *Overseas Territories. Volume 830: debated on Thursday 25 May 2023.* Hansard. Available at: https://hansard.parliament.uk/Lords/2023-05-25/debates/8E4A48AF-AAC2-48E5-8D4D-3D3102A25708/OverseasTerritories

Valentini, L. (2015). On the Distinctive Procedural Wrong of Colonialism. *Philosophy & Public Affairs*, 43(4): 312-331.

Veenedaal, W. (2013). *Politics and democracy in microstates: a comparative analysis of the effects of size on contestation and inclusiveness.* Dissertation, Leiden University.
Veenendaal, W. (2015). The Dutch Caribbean municipalities in comparative perspective. *Island Studies Journal*, 10(1): 15-30.
Veenendaal, W. (2016). Smallness and Status Debates in Overseas Territories: Evidence from the Dutch Caribbean. *Geopolitics,* 21(1): 148-170.
Veenendaal, W. & Corbett, J. (2015). Why small states offer important answers to large questions. *Comparative Political Studies,* 48(4): 527-549.
Veenendaal, W. & Oostindie, G. (2018). Head versus heart: The ambiguities of non-sovereignty in the Dutch Caribbean. *Regional and federal studies* 28(1): 25-45.
VINO (2017). Governor's behaviour would not have been tolerated under Ralphie Gov't – Hon Fraser. *VINO,* June 29. Available at https://www.virginislandsnewsonline.com/en/news/governors-behaviour-would-not-have-been-tolerated-under-ralphie-govt-hon-fraser
VINO (2024). We don't seem 'to want that relationship with UK to be severed' – Cromwell Smith. *VINO,* December 2. Available at https://www.virginislandsnewsonline.com/en/news/we-dont-seem-to-want-that-relationship-with-uk-to-be-severed-cromwell-smith
VINO (2025a). Hon Walwyn falsely accuses Premier Wheatley of only pushing independence option. *VINO,* February 14. Available at https://www.virginislandsnewsonline.com/en/news/hon-walwyn-falsely-accuses-premier-wheatley-of-only-pushing-independence-option
VINO (2025b). Self-governance is constitutional mandate, not personal agenda – Premier Wheatley. *VINO,* May 2. Available at https://www.virginislandsnewsonline.com/en/news/self-governance-is-constitutional-mandate-not-personal-agenda-premier-wheatley
VINO (2025c). Don't get lost in labels, we must defend what is ours – Troy E. Christopher. *VINO,* May 3. Available at https://www.virginislandsnewsonline.com/en/news/dont-get-lost-in-labels-we-must-defend-what-is-ours-troy-e-christopher-
Wangmar, C. & Beckman, L. (2024). Excluding Citizens: Belongership and the Constitutional Demos in British Overseas Territories.

Ethnopolitics, 1–19. https://doi.org/10.1080/17449057.2024.2355792

Wangmar, C. & Mörkenstam, U. (2025). A 'Best of Both Worlds'? Characterizations of Metropolitan Relationships by Non-Self-Governing Territory Representatives. *International Studies Review*, 27(3). https://doi.org/10.1093/isr/viaf012

Watts, R. L. (2000). Islands in comparative constitutional perspective. In Baldacchino, G. & Milne, D. (eds.), *Lessons from the political economy of small islands* (17-37). Basingstoke, UK: Macmillan.

Wheatley, B. (2019). Commentary: UK and OTs | Toward soft colonialism or modern partnership? *BVI News*, November 25. Available at https://bvinews.com/commentary-uk-and-ots-toward-soft-colonialism-or-modern-partnership/

Wheatley, B. (2020). Commentary: Post-Brexit, UK urged to forge a new partnership with OTs. *BVI Beacon*, February 19. Available at https://www.bvibeacon.com/commentary-post-brexit-uk-urged-to-forge-a-new-partnership-with-ots/

Wheatley, B. (2024). Commentary: Writers urges VI to guard freedom. *BVI Beacon*, August 15. Available at https://www.bvibeacon.com/commentary-writers-urges-vi-to-guard-freedom/

Wilder, G. (2015). *Freedom Time: Negritude, Decolonisation and the Future of the World*. Duke University Press.

Wintour, P. (2022). Caribbean states warn against direct rule of British Virgin Islands. *The Guardian*, May 3. Available at https://www.theguardian.com/world/2022/may/03/caribbean-states-warn-against-direct-rule-of-british-virgin-islands

Written evidence from Virgin Islands Public Meetings (OTS0047) (2018). Available at: https://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Foreign%20Affairs/The%20future%20of%20the%20UK%20Overseas%20Territories/written/88799.html

Young, I. M. (2001). Two Concepts of Self-Determination. In: Sarat, A. & Kearns, T. R. (eds). *Human Rights: Concepts, Contests, Contingencies* (25-44). University of Michigan Press.

Ypi, L. (2013). What's wrong with colonialism. *Philosophy & Public Affairs*, 41(2): 158–191.

Yusuf, H. O. & Chowdhury, T. (2019a). The UN Committee of 24's Dogmatic Philosophy of Recognition: Toward a Sui Generis

Approach to Decolonization. *Indiana Journal of Global Legal Studies*, 26(2): 437-460.

Yusuf, H. O. & Chowdhury, T. (2019b). The persistence of colonial constitutionalism in British Overseas Territories. *Global Constitutionalism*, 8(1); 157-190.

Sammanfattning på svenska

Sedan höjden av avkoloniseringsvågen som följde på Andra Världskrigets slut har *självbestämmande* etablerats som en absolut central princip inom internationell rätt och en grundläggande mänsklig rättighet. Idag är förverkligandet av självbestämmande för alla världens folk ansett som ett obestridligt mål och en förutsättning för uppfyllandet av alla mänskliga rättigheter. Samtidigt har forskare gång på gång pekat på själva begreppet självbestämmande som särskilt svårdefinierat och vagt. Medan det utgör en grundsten i internationell rätt är det paradoxalt nog också en av dess mest diffusa normer.

Den här avhandlingen menar att självbestämmandets vaga innebörd blir ett hinder för folks möjligheter att utöva eller uppmärksamma kränkningar av detta, även i fall där det finns en obestridlig rätt. Detta blir tydligt då vi ser till folk i världens återstående, totalt 17 så kallade icke-självstyrande territorier (”non-self-governing territories,” NSGTs), vilka definieras av FN:s generalförsamling som fortsatt under kolonialt styre. Dessa utgör avhandlingens empiriska fokus. NSGT-folk har en obestridlig och allmänt erkänd rätt till självbestämmande som en del av rätten till avkolonisering. Den absoluta majoriteten av tidigare koloniserade territorier och -folk anses sedan länge ha utövat denna rätt genom att övergå till full självständighet under årtiondena som följde på Andra Världskrigets slut. Än idag kvarstår dock ett fåtal territorier – de allra flesta bestående av små öar spridda över Karibiska havet, Stilla havet och Atlanten – som NSGTs, under ständigt pågående avkoloniseringsprocesser och med bibehållna konstitutionella band till koloniserande stater (metropolstater), där de ofta befinner sig i någon form av ”mellanläge” mellan full integration och full självständighet.

Studier har visat att rörelser såväl som väljarstöd för en övergång till självständighet tenderar att vara starkt begränsade i dessa territorier idag. Metropolstater har, baserat på detta, också ofta ifrågasatt kategoriseringen av nuvarande NSGTS som ”kolonier” och sökt porträttera bevarandet av konstitutionella relationer som ett frivilligt val – kanske till och med ett uttryck för självbestämmande? Avhandlingen argumenterar för att sådana binära förståelser av självbestämmande som ett val mellan att antingen separera från eller fortsatt vara bunden till metropolen är alltför begränsade, och riskerar att osynliggöra kränkningar som fortfarande förekommer inom dessa typer av relationer. Den pekar även på hur möjligheterna för NSGT-folk att övergå i en annan politisk status, eller att väsentligt förändra dessa arrangemang, ofta har varit begränsade i praktiken.

Internationell rätt stipulerar ett antal politiska statusalternativ som koloniserade folk kan välja att övergå i som en del av rätten till avkolonisering, innefattande självständighet. Frågan om vad självbestämmandet kan sägas bestå i och legitimera i relation till de nuvarande arrangemang som under lång tid har bundit samman NSGTs och metropoler, så länge dessa kvarstår, framstår dock som långt mer oklar. Baserat på olika typer av kvalitativa data, innefattande yttranden av NSGT-representanter till FN:s avkoloniseringskommittéer, lokala nyhetsartiklar och semistrukturerade intervjuer med nyckelaktörer i två karibiska, brittiska territorier – Brittiska Jungfruöarna och Anguilla – tittar denna avhandling närmare på dessa relationer och på de idéer om självbestämmandets innebörd, förutsättningar och hinder som existerar inom NSGTs. Den undersöker hur samtida konstitutionella arrangemang upplevs på territorie-nivån, hur de formar lokala diskurser och debatter kring självbestämmande, och hur deras olika delar förstås som främjande eller underminerande av detta. En ”bottom-up”-ansats används därmed för att adressera forskningsfrågor om vad självbestämmande är och förutsätter i fall av avkolonisering där full självständighet ännu inte har eftersträvats, och hur nuvarande arrangemang svarar mot detta.

Genom att analysera det empiriska materialet i ljuset av idéer hämtade ur forskning inom internationell rätt och politisk teori utvecklar

avhandlingen en förståelse för vad självbestämmande är och förutsätter *inom* ramarna för dessa typer av relationer. Denna bygger till stor del på James Anayas övergripande idéer om självbestämmande som bestående av en pågående (”ongoing”) och en konstitutiv (”constitutive”) aspekt, och avhandlingen argumenterar för att detta bör förstås i relation till hur den styrande institutionella ordningen är strukturerad och vem som besitter makt att både väsentligt förändra och upprätthålla den. Vad gäller samtida arrangemang mellan NSGTs och metropolstater identifierar den tillkortakommanden relaterade till bägge aspekter, och visar därmed också på värdet i att begreppsliggöra självbestämmande på ett mer utvecklat sätt än vad internationell rätt gällande avkolonisering hittills har gjort, för att synliggöra fall där koloniala, ojämlika maktrelationer fortsatt utgör hinder. Vidare visar avhandlingen på hur NSGT-folks juridiska, formella rätt att avsluta relationen med metropolstaten och bilda en självständig stat, trots att detta i många fall är svåruppnåeligt i praktiken, bidrar till att legitimera relationer som underminerar både pågående och konstitutivt självbestämmande, genom att framställa dessa som frivilligt valda i sina nuvarande former.

Doktorsdisputationer
(filosofie doktorsgrad)

1. Tage Lindbom (1938) Den svenska fackföreningsrörelsens uppkomst och tidigare historia 1872-1900.
2. Lars Frykholm (1942) Studier över artikel 48 i Weimarförfattningen.
3. Jörgen Westerståhl (1945) Svensk fackföreningsrörelse.
4. Hans Thorelli (1954) The Federal Antitrust Policy.
5. Bruno Kalnins (1956) Der Sowjetische Propagandastaat.
6. Åke Thulstrup (1957) Aggressioner och allianser. Huvuddragen i europeisk storpolitik 1935-39.
7. Lars Sköld (1958) Kandidatnomineringen vid andrakammarval.
8. Rune Tersman (1959) Statsmakterna och de statliga aktiebolagen.
9. Jurij Boris (1960) The Russian Communist Party and the Sovietization of the Ukraine.
10. Per Sundberg (1961) Ministärerna Bildt och Åkerhielm. En studie i den svenska parlamentarismens förgårdar.
11. Gunnar Wallin (1961) Valrörelser och valresultat. Andrakammarvalen i Sverige 1866-1884.
12. Göran Lindahl (1962) Uruguay's New Path: A Study in Politics during the First Colegiado,
    1919-33.
13. Elmar Nyman (1963) Indragningsmakt och tryckfrihet 1785-1810.
14. Tomas Hammar (1964) Sverige åt svenskarna. Invandringspolitik, utlänningskontroll och asylrätt 1900-1932.
15. Krister Wahlbäck (1964) Finlandsfrågan i svensk politik 1937-1940.
16. Torsten Landelius (1965) Workers, Employers and Governments: A Comparative Study of Delegations and Groups at the International Labour Conference 1919-1964.
17. Kjell Goldmann (1971) International Norms and War Between States: Three Studies in International Politics.
18. Daniel Tarschys (1972) Beyond the State: The Future Polity in Classical and Soviet Marxism.
19. Harald Hamrin (1975) Between Bolshevism and Revisionism: The Italian Communist Party 1944-1947.
20. Birger Hagård (1976) Nils Wohlin. Konservativ centerpolitiker.
21. Gunnar Hellström (1976) Jordbrukspolitik i industrisamhället med tyngdpunkt på 1920- och 30-talen.

Stockholm Studies in Politics
ISSN 0346-6620

(De med * utmärkta avhandlingarna är doktorsavhandlingar,
som av skilda skäl ej ingår i Stockholm Studies in Politics)

1. Thomas G Hart (1971) *The Dynamics of Revolution: A Cybernetic Theory of the Dynamics of Modern Social Revolution with a Study of Ideological Change and Organizational Dynamics in the Chinese Revolution.* 9903705557
2. Sören Häggroth (1972) *Den kommunala beslutsprocessen vid fysisk planering*. 9903658125
3. Gunnar Sjöstedt (1973) *OECD-samarbetet: Funktioner och effekter*. 9905287434
4. Yngve Myrman (1973) *Maktkampen på arbetsmarknaden 1905-1907. En studie av de ickesocialistiska arbetarna som faktor i arbetsgivarpolitiken.* 9900827953

* Rolf Ejvegård (1973) *Landstingsförbundet. Organisation, beslutsfattande, förhållande till staten.* (Grafisk Reproduktion Tryckeri AB).

5. Lars-Erik Klason (1974) *Kommunalförbund och demokrati. En studie av kommunikationsprocessen i kommunalförbund.* 9900795474
6. Magnus Isberg, Anders Wettergren, Jan Wibble & Björn Wittrock (1974) *Partierna inför väljarna. Svensk valpropaganda 1960-1966*. (Allmänna förlaget) 91-38-01936-1
7. Bengt Owe Birgersson (1975) *Kommunen som serviceproducent. Kommunal service och serviceattityder i 36 svenska kommuner.* 9901646588
8. G Roger Wall (1975) *The Dynamics of Polarization. An Inquiry into the Process of Bipolarization in the International System and its Regions, 1946-1970*. 990168627X
9. James Walch (1976) *Faction and Front: Party Systems in South India.* (Young Asia Publications: New Delhi) 9901135281
10. Victor Pestoff (1977) *Voluntary Associations and Nordic Party Systems. A Study of Overlapping Memberships and Cross-Pressures in Finland, Norway and Sweden.* 9901232996

* Chimelu S. Chime (1977) Integration and Politics Among African States. Limitations and horizons of mid-term theorizing. (Scandinavian Institute of African Studies). 91-7106-103-7

* Katarina Brodin (1977) Studiet av utrikespolitiska doktriner. (SSLP/Försvarsdepartementet).

* Lars Thunell (1977) *Political Risks in International Business: Investment Behavior of Multinational Corporations* (Praeger Publishers: New York).

11. Harriet Lundblad (1979) *Delegerad beslutanderätt inom kommunal socialvård.* (Liber) 9138-048909-4
12. Roland Björsne (1979) *Populism och ekopolitik. Utvecklandet av en ekopolitisk ideologi i Norge och dess relationer till ett mångtydigt populismbegrepp.* 91-7146-039-X

13. Anders Mellbourn (1979) *Byråkratins ansikten. Rolluppfattningar hos svenska högre statstjänstemän.* (Liber) 91-38-04850-7
14. Henry Bäck (1979) *Den utrikespolitiska dagordningen. Makt, protest och internationella frågor i svensk politik 1965-1973*. 91-7146-065-9.
15. Rune Premfors (1980) *The Politics of Higher Education in a Comparative Perspective: France, Sweden, United Kingdom.* 91-7146-071-3
16. Sahin Alpay (1980) *Turkar i Stockholm. En studie av invandrare, politik och samhälle.* (Liber) 91-38-05635-6
17. Diane Sainsbury (1980) *Swedish Democratic Ideology and Electoral Politics 1944-1948: A Study of Functions of Party Ideology.* (Almqvist & Wiksell International) 91-22-00424-6
18. Roger Ko-Chi Tung (1981) *Exit-Voice Catastrophes: Dilemma between Migration and Participation.* 91-7146-160-4
19. Stig Munknäs (1981) *Statlig eller kommunal skola? En studie av centraliserings- och decentraliseringsproblem inom svensk skolförvaltning.* 9902487424
20. Bo Lindensjö (1981) *Högskolereformen. En studie i offentlig reformstrategi.* 91-7146-184-1
21. Claes Linde (1982) *Departement och verk. Om synen på den centrala statsförvaltningen och dess uppdelning i en förändrad offentlig sektor.* 91-7146-406-9

* Bernt Öhman (1982) Löntagarna och kapitaltillväxten. Solidarisk lönepolitik och löntagarfonder. (Jernströms Offsettryck AB) 91-38-07152-5

22. Stefan Swärd (1984) *Varför Sverige fick fri abort. Ett studium av en policyprocess.* 91-7146420-4
23. Bo Malmsten (1984) *Bostadsbyggande i plan och verklighet. Planering och genomförande av kommunal bostadsförsörjning.* (Statens råd för byggnadsforskning 869:1984) 91-540-4139-2.
24. Bertil Nygren (1984) *Fredlig samexistens: klasskamp, fred och samarbete. Sovjetunionens detente-doktrin. (Utrikespolitiska institutet)* 91-7182-576-2
25. Jan Hallenberg (1984) *Foreign Policy Change: United States' Foreign Policy toward the Soviet Union and the People's Republic of China 1961-1980.* 91-7146-428-X
26. Jan Wallenberg (1985) *Några effektivitetsproblem i statlig byråkrati.* (Studentlitteratur) 9144-23401-5
27. Maud Eduards (1985) *Samarbete i Maghreb. Om regionalt samarbete mellan Marocko, Algeriet, Tunisien och Libyen 1962-1984.* 91-7146-438-7
28. Ishtiaq Ahmed (1985) *The Concept of an Islamic State: An Analysis of the Ideological Controversy in Pakistan.* 91-7146-458-1
29. Michele Micheletti (1985) *Organizing Interest and Organized Protest: Difficulties of Member Representation for the Swedish Central Organization of Salaried Employees (TCO)*. 917146-451-4
30. Torbjörn Larsson (1986) *Regeringen och dess kansli. Samordning och byråkrati i maktens centrum.* (Studentlitteratur) 91-44-25311-7
31. Ingegerd Municio (1987) *Från lag till bruk. Hemspråksreformens genomförande.* 91-7146471-9
32. Tuija Meisaari-Polsa (1987) *Ståndpunkter i UNCTAD. En analys av generaldebatterna 1964-1979*.91-7146-472-7

33. Virginia Capulong-Hallenberg (1987) *Philippine Foreign Policy Toward the U.S. 1972-1980: Reorientation?* 91-7146-478-6
34. Hans Bergström (1987) *Rivstart? Från opposition till regering.* (Tidens förlag) 91-550-3315-6
35. Agneta Bladh (1987) *Decentraliserad förvaltning. Tre ämbetsverk i nya roller.* (Studentlitteratur) 91-44-27731-8
36. Nils-Eric Hallström (1989) *Lagen om ungdomslag i beslut och genomförande.* 91-7146-782-3
37. Maritta Soininen (1989) *Samhällsbilder i vardande.* (CEIFO) 91-87810-03-X
38. Stefan Lindström (1991) *Hela nationens tacksamhet. Svensk forsknings-politik på atomenergiområdet 1945-1956.* 91-7146-932-X
39. Yeu-Farn Wang (1991) *China's Science and Technology Policy: 1949-1989*. 91-7146-953-2.
40. Jan Hylén (1991) *Fosterlandet främst? Konservatism och liberalism i högerpartiet 1904-1985.* (Norstedts) 91-38-50086-8
41. Jan Johansson (1992) *Det statliga kommittéväsendet. Kunskap, kontroll, konsensus.* 91-7146969-9
42. Janina Wiktoria Dacyl (1992) *Between Compassion and Realpolitik: In Search of a General Model of the Responses of Recipient Countries to Large-Scale Refugee Flows with Reference to the South-East Asian Refugee Crisis.* 91-7146-007-X
43. Leo Bartonek (1992) *Der Topos »Nähe« - Ernst Blochs Eintrittsstelle in die Sozialwissenschaften. Ein Beitrag zur Ontologie der modemen Gesellschaft.* 91-7153-022-3
44. Jan-Gunnar Rosenblad (1992) *Nation, nationalism och identitet. Sydafrika i svensk sekelskiftesdebatt.* (Bokförlaget Nya Doxa) 91-88248-24-0
45. Alexa Robertson (1992) *National Prisms and Perceptions of Dissent: The Euromissile Controversy Reflected in Opinion and the News in the UK and the FRG 1980-1983.* 91-7153-070-3
46. Lars Lindström (1993) *Accumulation, Regulation, and Political Struggles. Manufacturing Workers in South Korea.* 91-7153-121-1
47. Göran Bergström (1993) *Jämlikhet och kunskap. Debatter och reform-strategier i socialdemokratisk skolpolitik 1975-1990.* (Symposion Graduale) 91-7139-135-5
48. Jens Bartelson (1993) *A Genealogy of Sovereignty*. 91-7153-140-8
49. Ingvar Hjelmqvist (1994) *Relationer mellan stat och kommun.* 91-7153-186-6
50. Emmanuel Obliteifio Akwetey (1994) *Trade Unions and Democratisation: A Comparative Study of Zambia and Ghana.* 91-7153-250-1
51. Kristina Boréus (1994) *Högervåg. Nyliberalism och kampen om språket i svensk debatt 1969-1989.* (Tidens förlag) 91-550-4129-9

* Steve Minett (1994) Power, Politics and Participation in the Firm (Athenaeum Press Ltd, Newcastle) 1 85628 331 3

52. Michael Karlsson (1995) *Partistrategi och utrikespolitik. Interna motiveringar och dagspressens agerande i Catalina-affären 1952 och EEC-frågan 1961/62.* 91-7153-346-X
53. Sun-Joon Hwang (1995) *Folkrörelse eller affärsföretag. Den svenska konsumetkooperationen 1945-1990*. 91-7153-379-6

54. Ulrika Mörth (1996) *Vardagsintegration* - La vie quotidienne - *i Europa. Sverige i EUREKA och EUREKA i Sverige.* 91-7153-460-1
55. Claes Wahl (1996) *The State of Statistics: Conceptual and Statistical Reasoning in the Modern State 1870-1940.* 91-7153-506-3
56. Peter Kjaer (1996) *The Constitution of Enterprise: An Institutional History of Inter-firm Relations in Swedish Furniture Manufacturing*. 91-7153-538-1
57. Eva Haldén (1997) *Den Föreställda Förvaltningen. En institutionell historia om central skolförvaltning.* 91-7153-578-0
58. Kristina Riegert (1998) *"Nationalising" Foreign Conflict: Foreign Policy Orientation as a Factor in Television News Reporting.* 91-7153-743-0
59. Peter Ehn (1998) *Maktens administratörer. Ledande svenska statstjänstemäns och politikers syn på tjänstemannarollen i ett förändringsperspektiv.* 91-7153-779-1
60. Magnus Norell (1998) *Democracy and Dissent. The Case of an Israeli Peace Movement, Peace Now*. 91-7153-828-3
61. Jan Lionel Sellberg (1998*) Hur är samhället möjligt? Om den tidigmoderna naturrättens språkfilosofiska grunder. Brännpunkt: Samuel Pufendorf.* 91-7153-825-9
62. Jan-Axel Swartling (1998) *Ideologi och realitetsarbete. Om analys av makt och dominans på etnometodologisk grund.* 91-7153-846-1
63. Magnus Ekengren (1998) *Time and European Governance. The Empirical Value of Three Reflective Approaches.* 91-7153-861-5
64. Peter Strandbrink (1999) *Kunskap och politik. Teman i demokratisk teori och svensk EU-debatt.* 91-7153-943-3
65. Jouni Reinikainen (1999) *Right against Right. Membership and Justice in Post-Soviet Estonia.* 91-7153-951-4
66. Eric Stern (1999) *Crisis Decisionmaking: A Cognitive-Institutional Approach.* 91-7153-9936
67. Ulf Mörkenstam (1999) *Om "Lapparnes privilegier". Föreställningar om samiskhet i svensk samepolitik 1883-1997.* 91-7265-004-4
68. Cecilia Åse (2000) *Makten att se. Om kropp och kvinnlighet i lagens namn.* (Liber) 91-4706080-8
69. Margreth Nordgren (2000*) Läkarprofessionens feminisering. Ett köns- och maktperspektiv.* 91-7265-133-4
70. Charlotte Wagnsson (2000) *Russian Political Language and Public Opinion on the West, NATO and Chechnya. Securitisation Theory Reconsidered.* 91-7265-135-0
71. Max M. Edling (2000) *A revolution in favour of government. The American Constitution and ideas about state formation, 1787-1788.* 91-7265-130-X
72. Pasquale Cricenti (2000) *Mellan privilegier och fattigdom. Om italiensk demokrati och socialpolitik ur ett välfärdsstatsperspektiv.* 91-7265-179-2
73. Henrik Berglund (2000) *Hindu Nationalism and Democracy: A Study of the Political Theory and Practice of the Bharatiya Janata Party.* 91-7265-198-9
74. Magnus Reitberger (2000) *Consequences of Contingency: the Pragmatism and Politics of Richard Rorty.*91-7265-199-7
75. Mike Winnerstig (2001) *A World Reformed? The United States and European Security from Reagan to Clinton.*91-7265-212-8

76. Jonas Nordquist (2001) *Domstolar i det svenska politiska systemet: Om demokrati, juridik och politik under 1900-talet*. 91-7265-218-7
77. Kjell Engelbrekt (2001*) Security Policy Reorientation in Peripheral Europe. A Perspectivist Approach.* 91-7265-234-9
78. Susanna Rabow-Edling (2001) *The intellectuals and the idea of the nation in Slavophile thought*. 91-7265-316-7
79. Nelli Kopola (2001) *The Construction of Womanhood in Algeria. Moudjahidates, Aishah Radjul, Women as Others and Other Women.* 91-7265-317-5
80. Maria Jansson (2001) *Livets dubbla vedermödor. Om moderskap och arbete.* 91-7265-340-X
81. Dagmar von Walden Laing (2001) *HIV/AIDS in Sweden and the United Kingdom Policy Networks 1982-1992*. 9-7265-342-6
82. Marika Sanne (2001) *Att se till helheten. Svenska kommunalpolitiker och det demokratiska uppdraget.* 91-7265-348-5
83. Bror Lyckow (2001) *En fråga för väljarna? Kampen om det lokala vetot 1893-1917.* 91-7265-359-0
84. Magnus Enzell (2002) *Requiem for a Constitution. Constitutionalism and Political Culture in Early 20th Century Sweden.* 91-7265-395-7
85. Welat Songür (2002) *Välfärdsstaten, sociala rättigheter och invandrarnas maktresurser: En jämförande studie om äldre från Mellanöstern i Stockholm, London och Berlin*. 91-7265-405-8
86. Johan Lembke (2002) *Defining the New Economy in Europe. A Comparative Analysis of EU Technology Infrastructure Policy, 1995-2001*. 91-7265-417-1
87. Maria Wendt Höjer (2002) *Rädslans politik. Våld och sexualitet i den svenska demokratin*. (Liber). 91-47-06585-0
88. Håkan Karlsson (2002) *Bureaucratic Politics and Weapons Acquisition: The Case of the MX ICBM Program.* 91-7265-531-3
89. Andreas Duit (2002) *Tragedins institutioner. Svenskt offentligt miljöskydd under trettio år.* 91-7265-528-3
90. Lucas Pettersson (2002) *Information och identitet. Synen på televisionens politiska roll i Sverige och EU.* ISBN 91-7265-549-6
91. Magnus Jedenheim Edling (2003) *The Compatibility of Effective Self-Ownership and Joint World Ownership.* 91-7265-589-5
92. Peter Hallberg (2003) *Ages of Liberty: Social Upheaval, History Writing and the New Public Sphere in Sweden, 1740-1792.* 91-7265-629-8
93. Linus Hagström (2003) *Enigmatic Power? Relational Power Analysis and Statecraft in Japan's China Policy*. 91-7265-628-X
94. Jacob Westberg (2003) *Den nationella drömträdgården. Den stora berättelsen om den egna nationen i svensk och brittisk Europadebatt.* 91-7265-681-6
95. Eva Erman (2003) *Action and Institution – contributions to a discourse theory of human rights.* 91-7265-726-X
96. Göran Sundström (2003) *Stat på villovägar. Resultatstyrningens framväxt i ett historisk-institutionellt perspektiv.* 91-7265-750-2
97. Ersun Kurtulus (2004) *State Sovereignty. The Concept, the Referent and the Ramifications.* 91-7265-754-5

98. Magdalena Kettis (2004) *The Challenge of Political Risk. Exploring the Political Risk Management of Swedish Multinational Corporations*. 91-7265-842-8
99. Sofia Näsström (2004) *The An-Archical State. Logics of Legitimacy in the Social Contract Tradition.* 91-7265-924-6
100. Gunilla Herolf (2004) *France, Germany and the United Kingdom – Cooperation in Times of Turbulence.* 91-7265-797-9
101. Lena Dahlberg (2004) *Welfare relationships. Voluntary organisations and local authorities supporting relatives of older people in Sweden.* 91-7265-928-9
102. Anette Gröjer (2004) *Den utvärdera(n)de staten. Utvärderingens institutionalisering på den högre utbildningens område*. 91-7265-939-4
103. Malena Britz (2004) *The Europeanization of Defence Industry Policy*. 91-7265-916-5
104. Hans Agné (2004) *Democracy Reconsidered. The Prospects of its Theory and Practice during Internationalisation - Britain, France, Sweden, and the EU*. 91-7265-948-3
105. Henrik Enroth (2004) *Political Science and the Concept of Politics. A Twentieth-Century Genealogy*. 91-7265-967-X
106. Lisbeth Aggestam (2004) *A European Foreign Policy? Role Conceptions and the Politics of Identity in Britain, France and Germany*. 91-7265-964-5
107. Catrin Andersson (2004) *Tudelad trots allt – dualismens överlevnad i den svenska staten 1718-1987*. 91-7265-978-5
108. Johan Lantto (2005) *Konflikt eller samförstånd? Management- och marknadsreformers konsekvenser för den kommunala demokratin.* 91-7155-103-4
109. Daniel Helldén (2005) *Demokratin utmanas. Almstriden och det politiska etablissemanget.* 91-7155-136-0
110. Birgir Hermannsson (2005) *Understanding Nationalism, Studies in Icelandic Nationalism 1800-2000.* 91-7155-148-4
111. Alexandra Segerberg (2006) *Thinking Doing: The Politicisation of Thoughtless Action*. 91-7155-179-4
112. Maria Hellman (2006) *Televisual Representations of France and the UK under Globalization*. 91-7155-219-7
113. Åsa Vifell (2006) *Enklaver i staten. Internationalisering, demokrati och den svenska statsförvaltningen*. 91-7155-243-X
114. Johnny Rodin (2006) *Rethinking Russian Federalism. The Politics of Intergovernmental Relations and Federal Reforms at the Turn of the Millennium*. 91-7155-285-5
115. Magnus Lembke (2006) *In the Lands of Oligarchs. Ethno-Politics and the Struggle for Social Justice in the Indigenous-Peasant Movements of Guatemala and Ecuador*. 91-7155-300-2

116. Lenita Freidenvall (2006), *Vägen till Varannan Damernas. Om kvinnorepresentation, kvotering och kandidaturval i svensk politik 1970-2002* 91-7155-322-3
117. Arita Eriksson (2006) *Europeanization and Governance in Defence Policy: The Example of Sweden*. 91-7155-321-5
118. Magnus Erlandsson (2007) *Striderna i Rosenbad. Om trettio års försök att förändra Regeringskansliet.* 978-91-7155-448-2
119. Anders Sjögren (2007) *Between Militarism and Technocratic Governance: State Formation in Contemporary Uganda.* 978-91-7155-430-7
120. Andreas Behnke (2007) *Re-Presenting the West. NATO's Security Discourse After the End of the Cold War.* 978-91-7155-522-9
121. Ingemar Mundebo (2008) *Hur styrs staten?* 978-91-7155-530-4
122. Simon Birnbaum (2008) *Just Distribution. Rawlsian Liberalism and the Politics of Basic Income*. 978-91-7155-570-0
123. Tove Lindén (2008) *Explaining Civil Society Core Activism in Post-Soviet Latvia*. 978-91-7155-585-4
124. Pelle Åberg (2008) *Translating Popular Education – Civil Society Cooperation between Sweden and Estonia*. 978-91-7155-596-0
125. Anders Nordström (2008) *The Interactive Dynamics of Regulation: Exploring the Council of Europe's Monitoring of Ukraine*. 978-91-7155-616-5
126. Fredrik Doeser (2008) *In Search of Security After the Collapse of the Soviet Union: Foreign Policy Change in Denmark, Finland and Sweden, 1988-1993.* 978-91-7155-609-7
127. Mikael Blomdahl (2008) *The Political Use of Force: Beyond National Security Considerations as a Source of American Foreign Policy*. 978-91-7155-733-9
128. Jenny Cisneros Örnberg (2009) *The Europeanization of Swedish Alcohol Policy.* 978-91-7155-748-3
129. Sofie Bedford (2009) *Islamic Activism in Azerbaijan: Repression and Mobilization in a Post-Soviet Context*. 978-91-7155-800-8
130. Björn Harström (2009) *Vad vi inte får se. 100 år av censurpolitik*. 978-91-7155-878-7
131. Monica Andersson (2009*) Politik och stadsbyggande. Modernismen och byggnadslagstiftningen*. 978-91-7155-944-9
132. Jenny Madestam (2009) *En kompispappa och en ytlig djuping. Parti-eliters ambivalenta partiledarideal.* 978-91-7155-962-3
133. Marja Lemne (2010) *För långt från regeringen – och för nära. Expertgruppen ESO:s födelse, levnad och död.* 978-91-7447-006-2
134. Maria Carbin (2010) *Mellan tystnad och tal – flickor och hedersvåld i svensk offentlig politik*. 978-91-7447-037-6
135. Sofie Tornhill (2010) *Capital Visions. The Politics of Transnational Production in Nicaragua*. 978-91-7447-052-9
136. Barbara Kunz (2010) *Kind words, cruise missiles and everything in between. A neoclassical realist study of the use of power resources in U.S. policies towards Poland, Ukraine and Belarus 1989–2008.* 978-91-7447-148-9

137. Eva Hansson (2011) *Growth without Democracy. Challenges to Authoritarianism in Vietnam*. 978-91-7447-199-1
138. Anna Ullström (2011) *Styrning bakom kulisserna. Regeringskansliets politiska staber och regeringens styrningskapacitet*. 978-91-7447-235-6
139. Karl Gustafsson (2011) *Narratives and Bilateral Relations: Rethinking the 'History Issue' in Sino-Japanese Relations.* 978-91-7447-305-6
140. Svend Dahl (2011) *Efter folkrörelsepartiet. Om aktivism och politisk förändring i tre svenska riksdagspartier.* 978-91-7447-357-5
141. Emelie Lilliefeldt (2011) *European Party Politics and Gender: Configuring Gender Balanced Parliamentary Presence*. 978-91-7447-379-7
142. Andreas Johansson (2011) *Dissenting Democrats. Nation and Democracy in the Republic of Moldova*. 978-91-7447-406-0
143. Ola Svenonius (2011) *Sensitising Urban Transport Security: Surveillance and Policing in Berlin, Stockholm, and Warsaw*. 978-91-7447-390-2
144. Katharina Tollin (2011) *Sida vid sida - en studie av jämställdhetspolitikens genealogi 1971-2006*. 978-91-7389-898-0
145. Niklas Bremberg (2012) *Exploring the Dynamics of Security Community-Building in the post-Cold War Era: Spain, Morocco and the European Union.* 978-91-7447-463-3
146. Pär Daléus (2012) *Politisk ledarskapsstil: Om interaktionen mellan personlighet och institutioner i utövandet av det svenska statsministerämbetet*. 978-91-7447-535-7
147. Linda Ekström (2012) *Jämställdhet – för männens, arbetarklassens och effektivitetens skull? – En diskursiv policystudie av jämställdhetsarbete i maskulina miljöer*. 978-91-7447-327-8
148. Lily Stroubouli Lanefelt (2012) *Multiculturalism, Liberalism and the Burden of Assimilation*. 978-91-7447-597-5
149. Mats Wärn (2012) *A Lebanese Vanguard for the Islamic Revolution: Hezbollah's combined strategy of accommodation and resistance.* 978-91-7447-604-0
150. Constanza Vera-Larrucea (2013) *Citizenship by Citizens: First Generation Nationals with Turkish Ancestry on Lived Citizenship in Paris and Stockholm*. 978-91-7447-636-1
151. Göran von Sydow (2013) *Politicizing Europe: Patterns of Party-Based Opposition to European Integration*. 978-91-7447-666-8
152. Andreas Nordang Uhre (2013) *On Transnational: Actor Participation in Global Environmental Governance*. 978-91-7447-709-2
153. Cajsa Niemann (2013) *Villkorat förtroende. Normer och rollförväntningar i relationen mellan politiker och tjänstemän i Regeringskansliet*. 978-91-7447-776-4
154. Idris Ahmedi (2013) *The Remaking of American Strategy toward Iran and Iraq: Outline of a Theory of Foreign Policy Change.* 978-91-7447-813-6
155. Mikiko Eto (2014) *Women and Politics in Japan: A Combined Analysis of Representation and Participation.* 978-91-7447-833-4
156. Monica Svantesson (2014) *Threat Construction inside Bureaucracy: A Bourdieusian Study of the European Commission and the Framing of Irregular Immigration 1974-2009.* 978-91-7447-853-2
157. Magnus Lundgren (2014) *International organizations as peacemakers: The evolution and effectiveness of supranational instruments to end civil war*. 978-91-7447-950-8

158. Andreas Gottardis (2014) *Reason and Utopia. Reconsidering the concept of Emancipation in Critical Theory.* 978-91-7649-016-7
159. Matilda Valman (2014) *Three faces of HELCOM - institution, organization, policy producer.* 978-91-7649-033-4
160. Max Waltman (2014) *The Politics of Legal Challenges to Pornography: Canada, Sweden, and the United States.* 978-91-7649-047-1
161. Mikael Olsson (2015) *Austrian Economics as Political Philosophy.* 978-91-7649-062-4
162. Matilde Millares (2015) *Att välja välfärd. Politiska berättelser om valfrihet.* 978-91-7649-082-2
163. Maria-Therese Gustafsson (2015) *Beyond Conflict and Conciliation: The Implications of different forms of Corporate-Community Relations in the Peruvian Mining Industry.* 978-91-7649-125-6
164. Henrik Angerbrandt (2015) *Placing Conflict: Religion and Politics in Kaduna State, Nigeria* 978-91-7649-233-8
165. Per-Anders Svärd (2015) *Problem Animals: A Critical Genealogy of Animal Cruelty and Animal Welfare in Swedish Politics 1844–1944* 978-91-7649-234-5
166. Helena Tinnerholm Ljungberg (2015) *Omöjliga familjen. Ideologi och fantasi i svensk reproduktionspolitik* 978-91-7649-231-4
167. Elín Hafstensdóttir (2015) *The Art of Making Democratic Trouble: Four Art Events and Radical Democratic Theory* 978-91-7649-232-1
168. Björn Jerdén (2016) *Waiting for the rising power: China's rise in East Asia and the evolution of great power politics* 978-91-7649-394-6
169. Martin Westergren (2016) *The Political Legitimacy of Global Governance Institutions: A Justice-Based Account* 978-91-7649-521-6
170. Björn Ottosson (2017) *A Cacophony of Voices: A Neoclassical Realist study of United States Strategy toward Central Asia and Southern Caucasus 1991–2006* 978-91-7649-626-8
171. Livia Johannesson (2017) *In Courts We Trust: Administrative Justice in Swedish Migration Courts* 978-91-7649-694-7
172. Karin Gavelin (2018) *The Terms of Involvement: A study of attempts to reform civil society's role in public decision making in Sweden* 987-91-7797-165-8
173. Åse Lidbeck (2018) *Allianser och Illusioner: Socialdemokratin och konsumtionsbeskattningen* 978-91-7797-203-7
174. Alba Mohedano Roldan (2018) *Equality and Participation: Distribution of Outcomes in Participatory for Managing Natural Resources* 978-91-7797-296-9
175. Anneli Gustafsson (2018) *Riksdagsdebatt iscensatt: Ett feministiskt teatralt perspektiv på subjektskonstruerande makt i det demokratiska samtalet* 978-91-7797-280-8
176. Jasmina Nedevska Törnqvist (2018) *Why Care About Future People's Environment? Approaches to Non-Identity in Contractualism and Natural Law* 978-91-7797-400-0
177. Christofer Lindgren (2018) *De små medlens betydelse: Om meningsskapande, mångtydighet och styrning i offentlig förvaltning* 978-91-7797-448-2

178. Faradj Koliev (2018) *Naming and Shaming: The politics and effectiveness of social pressure in the ILO* 978-91-7797-460-4
179. Max Fonseca (2019) *Your Treatment, My Treat? On Lifestyle-Related Ill Health and Reasonable Responsibilitarianism* 978-91-7797-530-4
180. Tua Sandman (2019) *The dis/appearances of violence: When a 'peace-loving' state uses force* 978-91-7797-512-0
181. Helena Hede Skagerlind (2019) *Governing Development: The Millennium Development Goals and Gender Policy Change in Sub-Saharan Africa* 978-91-7797-604-2
182. Tarek Oraby (2019) *A Darwinian Theory of International Conflict* 978-91-7797-811-4
183. Johanna von Bahr (2020) *International organizations and children's rights: norm adoption, pressure tactics and state compliance* 978-91-7797-962-3
184. Christina Alnevall (2020) *Women's Discursive Representation. Women as Political Representatives, Mother and Victims of Men's Violence in the Mexican Parliament* 978-91-7797-966-1
185. Hedvig Örden (2020) *Securing Judgement: Rethinking Security and Online Information Threats* 978-91-7797-937-1
186. Magna Robertsson (2020) *Personligt mod. Om krigsdekorationer som mjuk normstyrning under insatsen i Afghanistan åren 2008-2012* 978-91-7911-034-5
187. Karim Zakhour (2020) *While We Wait: Democratization, State and Citizenship among Young Men in Tunisia's Interior Regions* 978-91-7911-106-9
188. Gustav Ramström (2020) *The Case for Causal Individualism in Social Science* 978-91-7911-232-5
189. Magnus Christiansson (2020) *Defence transformation in Sweden: The strategic governance of pivoting projects 2000–2010* (Santérus Förlag**)** 978-91-7335-058-7
190. Markus Furendal (2020) *Do Your Bit, Claim Your Share: Justice, Ethos, and the Individual Duty to Contribute* 978-91-7911-304-9
191. Naima Chahboun (2020) Art of the Possible? Feasibility and Compliance in Ideal and Nonideal Theory 978-91-7911-282-0
192. Malin Henriksson (2021) *Att bygga ett samhälle: Tid, rum och politiska visioner i bostadspolitiken 1901-1947* 978-91-7911-452-7
193. Ian Higham (2021) *Explaining Early Adoption: National Action Plans on Business and Human Rights* 978-91-7911-486-2
194. Ragnhild Nilsson (2021) *Att bearkadidh: Om samiskt självbestämmande och samisk självkonstituering* 978-91-7911-612-5
195. Kalle Ekholm (2022) *Radical Right Success – Shaped by the Mainstream?* 978-91-7911-708-5
196. Karin Sundström (2022) *Watchdogs or Lapdogs? National Human Rights Institutions in Africa* 978-91-7911-766-5
197. Kristof Tamas (2022) *Migration Statecraft: The European Migration and Development Regime* 978-91-7911-944-7
198. Carolina Janson (2022) *To Levy Taxes on Multinational Corporations - Allocating Rights and Making Them Enforceable* 978-91-8014-018-8

199. Carl Vikberg (2023) *Non-State Participation in International Organizations: Patterns, Drivers, and Consequences* 978-91-8014-206-9
200. Sanna Lundquist (2023) *Governing the Green Economy Transition: Public Opinion, Political Parties, and Environmental Outcomes* 978-91-8014-222-9
201. Viktor Elm-Schulin (2023*) Do the Ends Justify the Means? On the Justifiability of Statistical Discrimination* 978-91-8014-300-4
202. Ognjen Zugic (2024) *Labor market segmentation and the politics of investment and compensation* 978-91-8014-619-7
203. Lukas Hegele (2024) *Rebel Capital: How rebel leaders use social networks to shape organizations and war* 978-91-8014-855-9
204. Camilla Wangmar (2025) *Between Independence and Integration: The Pursuit of Self-Determination in Non-Self-Governing Territories* 978-91-8107-350-8

ISBN 978-91-8107-350-8
ISSN 0346-6620

Department of Political Science

Stockholm University