



Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Turks and Caicos Islands

Working paper prepared by the Secretariat

Contents

<i>Chapter</i>	<i>Page</i>
The Territory at a glance	3
I. Constitutional, legal and political issues	4
II. Budget	6
III. Economic conditions	7
A. General	7
B. Tourism and construction	7
C. Financial services	8
D. Agriculture and fisheries	9
E. Communications and utilities	9
IV. Social conditions	10
A. General	10
B. Labour and immigration	10
C. Education	11
D. Public health	11
E. Crime and public safety	12
F. Human rights	13

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 9 December 2019. Further details are contained in previous working papers, available at www.un.org/dppa/decolonization/en/documents/workingpapers.



V.	Environment	13
VI.	Relations with international organizations and partners	14
VII.	Future status of the Territory	14
	A. Position of the territorial Government	14
	B. Position of the administering Power	14
VIII.	Action taken by the General Assembly	15
Annex		
	Map of the Turks and Caicos Islands	17

The Territory at a glance

Territory: The Turks and Caicos Islands is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Nigel Dakin (since July 2019)

Geography: The Territory, which comprises 40 islands and cays, lies 145 km north of Haiti and the Dominican Republic and 925 km south-east of Miami, United States of America. Six islands are permanently inhabited: Grand Turk, where the capital is located; Providenciales, the business and tourist centre with the great majority of the population; North Caicos; Middle Caicos; South Caicos; and Salt Cay.

Land area: 948.2 km²

Exclusive economic zone: 154,068 km²

Population: 42,953 (2019): approximately a quarter are citizens and three quarters are immigrants from the Bahamas, Canada, the Dominican Republic, Haiti, the United Kingdom, the United States and other countries

Life expectancy at birth: 79.8 years (men: 77.1 years; women: 82.7 years (2016 estimate))

Language: English

Capital: Cockburn Town

Head of territorial Government: Sharlene Cartwright-Robinson (since December 2016)

Main political parties: People's Democratic Movement; Progressive National Party

Elections: Most recent: 15 December 2016; next: due by December 2020

Legislature: House of Assembly

Gross domestic product per capita: \$15,738 (2018 estimate)

Economy: Tourism, financial services, construction

Unemployment rate: 7 per cent (2018 estimate)

Monetary unit: United States dollar

Brief history: The first inhabitants of the islands were the Arawakan-speaking Taino people. In 1799, the islands were annexed by Great Britain as part of the Bahamas and subsequently Jamaica. They became a separate colony of the United Kingdom in 1962, when Jamaica achieved independence, but they maintained close constitutional ties with the Bahamas. After the Bahamas became independent, in 1973, a governor replaced the former administrator of the Turks and Caicos Islands.

I. Constitutional, legal and political issues

1. The Turks and Caicos Islands Constitution Order 2011, which entered into force on 15 October 2012, provides for a Governor as the head of the Government, a House of Assembly composed of elected and appointed members and the Attorney General, with a cabinet and ministers appointed from among those elected or appointed members.
2. The 2011 Constitution also provides for the judiciary, the public service and a number of institutions protecting good governance, notably an integrity commission, a human rights commission, an auditor general and a director of public prosecution. Provisions are also made in relation to Crown land and public financial management. Under the Order, the British Crown reserves the power, with the advice and consent of the Privy Council of the United Kingdom of Great Britain and Northern Ireland, to make laws for the peace, order and good governance of the Territory.
3. According to the administering Power, the Governor, appointed by the British Crown, is responsible for external affairs, defence, internal security, including the police force, the regulation of international financial services and some public service matters.
4. The legislature, the House of Assembly, comprises the Speaker, 15 elected members, 4 appointed members and the Attorney General. Ten members are elected to represent one electoral district each and the remaining five are elected by Territory wide vote.
5. The law of the Territory consists mainly of locally enacted statutes, along with some laws enacted in the United Kingdom and applied to the Territory, and English common law. The court system includes magistrates' courts, the Supreme Court and the Court of Appeal, with ultimate recourse to the Judicial Committee of the Privy Council. On the advice of a judicial service commission, the Governor appoints magistrates and the judges of the Supreme Court and the Court of Appeal.
6. According to the administering Power, the recent past has seen political turbulence in the Turks and Caicos Islands. The Territory operated on the basis of a ministerial system of government under the 2006 Constitution, negotiated between the elected territorial Government and the United Kingdom, until 14 August 2009, whereupon the United Kingdom brought into force legislation that, among other things, temporarily suspended parts of the Constitution, thereby removing the Government and the House of Assembly. The action had been motivated by mounting evidence of systemic corruption in the territorial Government and legislature and among public officers, which was uncovered by a commission of inquiry established in July 2008 (see also sect. IV.E below).
7. Between August 2009 and November 2012, the Governor, who had been given extended powers, worked under interim constitutional arrangements with an advisory council and a consultative forum. Each was constituted by islanders appointed by the Governor. The arrangement was referred to as the "interim Government", the "interim Administration" or "direct rule".
8. Coinciding with the 2009 suspension of parts of the 2006 Constitution, an economic downturn and austerity measures required to "balance the books" and to ensure that public services in the Territory could continue to function led to layoffs in the public sector. According to the administering Power, doing so generated a degree of resentment among some residents, who perceived the layoffs as being a direct result of intervention by the United Kingdom.

9. In 2011, the United Kingdom passed a new constitution for the Turks and Caicos Islands, the Territory's fifth since 1962. It added a variety of good governance initiatives and measures to ensure the sound management of public finances.

10. The interim Administration came to an end on 9 November 2012, when elections were held. With an 84 per cent voter turnout, the Progressive National Party, which had been in office when the previous Government was removed in 2009, won eight seats, while the People's Democratic Movement won seven seats. The leader of the Progressive National Party, Rufus Ewing, was sworn in as Premier on 13 November 2012, returning elected government rule to the Territory.

11. In February 2013, the Caribbean Community (CARICOM) noted with grave concern that, although the elections of November 2012 had led to the restoration of representative government in the Territory, the overall state of political affairs remained less than desirable and the restoration of true democracy was still a far way off. It dispatched a ministerial fact-finding mission to the Territory in June 2013. According to media reports, the mission's internal report contained a number of recommendations, including the holding of a referendum on the acceptance of British rule under the current Constitution. In March 2014, the Heads of Government of the Community received an update on the situation, undertaking to continue to monitor it and expressing their support for the full restoration of democracy in the Territory on terms driven by its people. Furthermore, they said that they continued to look forward to a response from the Government of the United Kingdom to the mission's report.

12. For its part, in September 2013, the House of Assembly established an eight member constitutional review committee, which comprised representatives of the territorial Government, the opposition and the public, that was mandated to review the 2011 Constitution, hold consultations with the public and make recommendations by 15 November 2014 to the House for constitutional changes to be debated and ratified for onward submission to the Foreign and Commonwealth Office of the United Kingdom.

13. In its report submitted to the Premier in November 2014, the constitutional review committee made a series of recommendations relating to most parts of the 2011 Constitution, which included the reinstatement of the automatic right to trial by jury enshrined in the 2006 Constitution, the inclusion of a requirement that the Premier be a Turks and Caicos Islander, the repeal of the provision disqualifying someone from running for Premier after serving two consecutive terms in that post and the removal of the reference to the Office of the Chief Financial Officer. With regard to a referendum on independence, the committee stated that it was a matter for the political hierarchy and not within its terms of reference.

14. The final report was debated and passed by the House of Assembly in January 2015, and the recommendations of the committee were forwarded to the Government of the United Kingdom for its consideration. According to the administering Power, after careful consideration, the Government of the United Kingdom did not accept those recommendations on the grounds that the current Constitution was key to ensuring that the Turks and Caicos Islands continued to meet internationally recognized standards of good governance, the rule of law and sound financial management. However, the post of Chief Financial Officer (see para. 13) was abolished in March 2017.

15. In the general election held on 15 December 2016, the People's Democratic Movement won 10 of the 15 elected seats in the House of Assembly, returning to the majority after a 13-year hiatus. Its leader, Sharlene Cartwright-Robinson, became the first female Premier of the Territory on 19 December 2016.

16. On 5 December 2018, the Premier of the Turks and Caicos Islands participated in the oral evidence session of the inquiry entitled "The future of the UK overseas

territories” conducted by the Foreign Affairs Committee of the House of Commons of the United Kingdom Parliament, during which she recalled the suspension of the Territory’s Constitution. She also referred to the rising cost of the Special Investigation and Prosecution Team; the involvement of the territories in the selection of governors; the Sanctions and Anti-Money Laundering Act; and concerns about the post-”Brexit” loss of funding.

17. In a speech on the occasion of the swearing-in of the Governor in July 2019, the Premier of the Turks and Caicos Islands stated that the present Constitution had not been crafted by the Territory and that it had been nothing short of an affront to the locally elected Government. She added that it was a document that left governance to personalities and the Territory could not afford that uncertainty. She highlighted the ambition of the people of the Turks and Caicos Islands to return to the 2006 Constitution, which, together with the current financial systems and oversight, presented a balance in the Territory’s partnership with the United Kingdom, as it provided safeguards for the United Kingdom, while at the same time giving the people of the Turks and Caicos Islands their dignity.

18. In a public statement made in December 2019, the Premier announced that a report of the Constitutional Review Committee containing proposals for changes to the Constitution had been laid before the House of Assembly. She explained that, once the report had been debated in the House, it was her intention to submit the proposals to the Government of the United Kingdom.

II. Budget

19. According to the administering Power, the territorial Government achieved an unaudited operating surplus of \$86.2 million in the financial year 2018/19 (against \$63.3 million in 2017/18), an improvement of \$22.9 million, or 36.1 per cent, on the prior year’s performance. The recurrent revenue performance in 2017/18 was related to the closure of the tourism sector following Hurricanes Irma and Maria, which affected the Territory in the second quarter of the 2017/18 fiscal year. The operating surplus is calculated before capital expenditure of \$32.8 million (\$17.8 million in 2017/18) and debt repayments of \$10.4 million in the financial year 2018/19 (\$12.6 million in 2017/18). The actual performance for the 2018/19 budget cycle included recurring revenues of \$303.8 million (against \$261.4 million in 2017/18).

20. Non-recurring revenue for 2018/19 totalled \$11.2 million (against \$20.8 million in 2017/18). The major contributor to that amount was revenue from assistance, which included the second tranche of the eleventh grant of the European Development Fund of \$7.7 million, received in September 2018 for budgetary support. Another \$2.3 million was received from the ongoing civil recovery trials conducted to regain the assets of the Turks and Caicos Islands taxpayers that had been obtained improperly. The 2017/18 performance had been bolstered by the catastrophic risk insurance proceeds received in September and October 2017 as a result of higher-than-normal rainfall.

21. Recurrent expenditure (excluding capital) totalled \$219.5 million in the financial year 2018/19 (against \$218.8 million in 2017/18). This represented a reduction in spending for the year 2018/19 of \$20.3 million, or 8.5 per cent, from the budget estimates, while being \$10.7 million, or 5.1 per cent, above the previous year’s out-turn.

22. The total expenditure during the fiscal year 2018/19 included \$84.1 million (36.7 per cent for personnel costs, which was \$7.8 million less than budgeted as a result of delays in the recruitment process). The increase of \$3.2 million (4.0 per cent)

over the results of the fiscal year 2017/18 attests to the efforts that have been made to fill vacant positions.

23. According to the administering Power, with respect to the 2019/20 budget, the approved revenue target is \$305.8 million (\$9.2 million lower than the out-turn of 2018/19), the recurring expenditure target is \$247.5 million, the capital expenditure target is \$36.6 million and the non-recurring expenditure target is \$10.3 million. An operating surplus of \$11.5 million is anticipated for the fiscal year.

24. The territorial Government levies no corporate or personal income tax, capital gains tax or inheritance tax. Foreign corporations pay licence fees to operate in the Territory.

III. Economic conditions

A. General

25. The main sectors of the economy are tourism and financial services. The Territory's gross domestic product (GDP) in 2019 in terms of current prices was estimated at \$1.02 billion, up from \$893.5 million in 2015. The official statistics indicate that the estimated real growth of the economy in 2018 in constant terms was 3.2 per cent, after declining by 1.5 per cent in 2017. According to the administering Power, the 2017 decline in real GDP can be attributed to the two hurricanes that affected the Territory that year and that had a direct impact on the tourism sector, which has been the main driver of growth over the years. The tourism sector has now rebounded from the impact of the hurricanes and the territorial Government projects that real GDP in 2019 will reach approximately \$680.2 million, representing a growth of 3.8 per cent, compared with approximately \$634 million in 2017.

26. According to a damage and loss assessment conducted by the Economic Commission for Latin America and the Caribbean (ECLAC) presenting the economic effects and impacts of Hurricanes Irma and Maria, the hurricanes caused moderate damage throughout the Territory. The assessment of the housing subsector indicated that 17,220 persons (55 per cent of the total population) were affected by the hurricanes. In the public education sector, 3,977 students and 305 teachers were affected, owing to school interruptions caused by damaged facilities or lack of access to schools that were used as shelters. The health sector suffered minor damage, which allowed it to remain operational within two to four days.

B. Tourism and construction

27. Tourism continues to be the Territory's primary industry, continuing to account for approximately 37 per cent of its GDP in 2019. Tourism also contributes over 25 per cent of the Government's annual recurring revenue. Both foreign investors and visitors, mainly from Canada, the United Kingdom and the United States of America, play significant roles. According to official statistics, cruise passengers accounted for 1,021,741 visitors in 2018, which represents more than two thirds of total visitors. The number of cruise passengers increased in 2018 by approximately 192,332 compared with 2017. The vast majority of stopover tourists continue to be accommodated at resorts on Providenciales. The GDP of the hotel and restaurant sector increased by more than 3 per cent in 2018 as the sector rebounded from the impact of the two hurricanes in 2017.

28. According to ECLAC, tourism was severely affected by the hurricanes that hit the Territory in 2017, accounting for most of the damages and losses sustained by the Territory. The total damage in the tourism sector was estimated at \$126.6 million.

29. According to the administering Power, construction activity grew significantly in 2017 and 2018 and is forecasted to grow further in 2019 and 2020 as a result of significant rebuilding activities coupled with important government and private sector investments. In addition, growth is likely to be positive in future years.

C. Financial services

30. International financial services, including company registration, banking and insurance, are sources of external revenue for the Turks and Caicos Islands. According to the administering Power, a significant part of the Territory's financial services sector is the licensing of small captive reinsurance companies that operate primarily in the United States. The licensing, supervision and development of the international financial services sector are entrusted to the Turks and Caicos Islands Financial Services Commission, which also provides a centralized service for registering companies, partnerships, trademarks and patents in the Territory. According to the administering Power, from April 2017 to March 2018, the industry as a whole remained strong, with the number of banks remaining steady compared with the previous year.

31. According to the administering Power, as at 31 March 2018, total assets in the banking sector amounted to \$2.2 billion, a growth of \$556.4 million (33.4 per cent) compared with the corresponding period in the previous year. In response to the economic hardship caused by the two hurricanes and the requirements under International Financial Reporting Standard No. 9, banks strengthened their provisioning for loan losses. Total provisions increased by 20.6 per cent and accounted for 68.9 per cent of non-performing loans, compared with 44.8 per cent the previous year. There was continued growth in the international insurance sector, increasing producer-owned reinsurance companies by 317 (4.5 per cent), to 7,410.

32. According to the administering Power, the territorial Government continued to seek treaty partners for tax information exchange agreements. The Territory signed the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information based on article 6 of the Convention on Mutual Administrative Assistance in Tax Matters in Berlin on 29 October 2014. The Territory has also signed arrangements under the Foreign Account Tax Compliance Act with the United Kingdom and the United States.

33. In April 2016, the Turks and Caicos Islands concluded a bilateral arrangement with the United Kingdom on the reciprocal exchange of beneficial ownership information. According to the administering Power, under the arrangement, which took effect on 1 February 2018, law enforcement authorities will have timely access to beneficial ownership information on corporate and legal entities incorporated in the respective jurisdictions.

34. In May 2018, the Parliament of the United Kingdom passed the Sanctions and Anti-Money Laundering Act, pursuant to which the Secretary of State is required to provide all reasonable assistance to the Governments of overseas territories to enable each of those Governments to establish a publicly accessible register of the beneficial ownership of companies registered in its jurisdiction and to prepare, no later than 31 December 2020, a draft Order in Council requiring any overseas territory that has not introduced such a register to do so. That deadline has since been extended to 2023. The territorial Government made a statement on 11 October 2019 announcing that it would introduce such registers.

D. Agriculture and fisheries

35. Agriculture and fisheries typically account for less than 1 per cent of the Territory's GDP. Agricultural production is limited by the lack of fresh water and consists mainly of the growing of vegetables and citrus fruits on the Caicos Islands. According to the administering Power, there are no medium or large commercial producers of either crops or livestock. Fishing is the Territory's main primary sector industry.

E. Communications and utilities

36. The Territory's transport and communications facilities are of fairly good quality. The road network covers about 370 km, with 170 km of paved roads on Grand Turk, Providenciales and the Caicos Islands. Owing to the effects of Hurricanes Irma and Maria, communications outside Providenciales are poor but gradually improving.

37. According to ECLAC, the power system was severely damaged during the hurricanes, with up to 90 per cent of related infrastructure on islands such as Grand Turk affected. Although power generation was not affected, damage to 1,485 poles and 500 transformers caused nationwide outages that lasted for over six weeks. Reduced electricity supply affected health facilities, access to water, telecommunications services and recovery efforts. Electrical services throughout the islands have been fully restored, with significant improvements to the electrical grid.

38. The Territory has three international airports: the main one on Providenciales and smaller ones on Grand Turk and South Caicos. Flights are available to Antigua and Barbuda, the Bahamas, Canada, Cuba, the Dominican Republic, Haiti, Jamaica, the United Kingdom and the United States (including Puerto Rico), although not all are direct.

39. The main commercial port of South Dock is situated on Providenciales. Grand Turk has a commercial port and a cruise ship terminal. North Caicos has a deep-water port.

40. Three telecommunications companies provide national and international telephone services in the Territory. There are two television stations in the Territory. The two main weekly newspapers also maintain websites.

41. According to the administering Power, electricity generation, transmission and distribution services in the Territory (save for two cays and one island) are provided by a vertically integrated monopoly provider. All but 0.5 per cent of electricity is produced from diesel-powered generators. Numerous studies have indicated that, owing to the excessive cost of electricity generation, solar and wind technologies would not only be economically viable but also offer a less expensive alternative for private individuals. Regulatory reform to enable the uptake of sustainable energy is being undertaken as recommended in the Turks and Caicos Islands draft energy policy. A resilient national energy transition strategy is being developed, with emphasis on building resiliency, least-cost energy generation, reliability of supply and environmental sustainability. Legislation for integrated resource planning is also being undertaken to give necessary legislative support to the integrated resource planning process to ensure the consideration of all viable energy resources in the energy portfolio, as well as adherence to industry best standards and practices.

IV. Social conditions

A. General

42. In its 2012 preliminary census report, the Territory noted that, of the total population of 31,458, 16,037 (51 per cent) were men and 15,421 (49 per cent) were women. Around 74 per cent of the total population was over 18 years of age. According to official information, people from approximately 70 countries live in the Turks and Caicos Islands. In 2012, nationals of Haiti were the largest group of foreigners, comprising 34.7 per cent of the population, followed by nationals of the Dominican Republic, at 4.9 per cent. The territorial Government estimated that the total population in 2019 was 42,953. According to a report issued by ECLAC in collaboration with the Statistics Department of the territorial Government, the Turks and Caicos Islands has one of the fastest growing populations in the Caribbean and could reach over 55,000 people by 2027. According to the report, citizens of the Turks and Caicos Islands, formerly called “belongers”, constitute a declining proportion of the population. Having represented 69 per cent of the total population in 1990, their numbers fell to 37 per cent in 2012 and, if current trends continue, they could represent less than a quarter of the population by 2027.

43. The Turks and Caicos Islands National Insurance Board, a statutory body of the territorial Government, is the sole provider of social insurance benefits to persons between 16 and 65 years of age who are gainfully employed within the Territory.

B. Labour and immigration

44. The public sector continues to be one of the Territory’s main employers. Other major employment sectors include tourism, construction and international financial and business services. According to the Trade and Labour Force Survey Report 2017 of the Turks and Caicos Islands, 25,418 persons were in the labour force, of whom 6 per cent were accounted as being unemployed.

45. According to the national skills audit for 2017, the hotel and service industry is the Territory’s largest employer. Turks and Caicos Islanders account for 76 per cent of persons employed in the financial service sector, the largest employer of Turks and Caicos Islanders by percentage in the Territory. The national skills audit also revealed that Turks and Caicos Islanders accounted for 9 per cent of upper-level management.

46. According to the administering Power, since 2012, the Territory has put in place a transparent and simplified system to obtain British overseas territory citizenship. In 2015, the new Turks and Caicos Islander Status Ordinance was passed, which articulated the circumstances for acquiring Islander status by right or by grant, in keeping with the Turks and Caicos Islands Constitution Order 2011. According to the Ministry of Border Control and Employment of the territorial Government, Turks and Caicos Islander status is the highest immigration status accorded to persons who acquired the status or were bestowed the status upon application in accordance with the laws of the Turks and Caicos Islands. As such, only Turks and Caicos Islanders can do the following: vote in an election; apply and be considered for the acquisition of residential crown land; apply and be considered for a territorial government scholarship; and apply and be considered for a business licence to operate in the restricted business licence category. In addition, an immigration ordinance, passed by the House of Assembly in September 2015, contained provisions on asylum. In the view of the administering Power, this attests to the Territory’s commitment to its obligation under the 1951 Convention relating to the Status of Refugees. A committee

responsible for processing applications for Islander status came into effect on 1 January 2020 and will begin with reviewing applications from 2016 and 2017.

47. According to the administering Power, border security remains a major concern. The coastal radar station was upgraded. Diplomatic engagement with the countries of origin of illegal migrants is considered by the administering Power as a necessary initiative to mitigate illegal activities. The working relationships with the marine branch of the police and other response agencies has proved to be an important tool in the interception and screening of persons seeking to cross borders by sea. A new national security strategy developed in 2019 will bring together the various stakeholders responsible for border security, including the Government of the United Kingdom, to deliver a holistic approach to tackling ongoing illegal migration and the criminal networks that exploit migrants. The Government of the United Kingdom has funded the post of a national security coordinator for a period of one year to conduct this work.

C. Education

48. Education in the Territory is free and compulsory for children from 4 to 16 years of age. There are 47 schools covering preschool to tertiary education. Of those, 10 primary schools and 4 secondary schools are run by the territorial Government. While there are more private schools than public schools, approximately 80 per cent of pupils are enrolled in public schools. There are also two schools for children with special needs. The adult literacy rate among Islanders is estimated at 98 per cent, while that of immigrants is much lower.

49. With regard to higher education, the Turks and Caicos Islands Community College, a community college with branches on Grand Turk and Providenciales, provides two-year and four-year courses of study.

50. Students from overseas territories benefit from the home student rate for tuition fees at British universities, provided that they have lived in a British overseas territory, the European Economic Area or Switzerland for the three years prior to the first academic year of their course of study. In addition, those students have access to funding provided by the European Union for higher or vocational education.

51. The Education Sector Plan 2018–2022 presents eight strategic imperatives and four cross-cutting issues for education in the Territory and identifies outcomes expected and the main strategies for achieving them.

D. Public health

52. According to the administering Power, medical facilities in the Turks and Caicos Islands have improved in recent years with the opening of new hospital facilities on Providenciales and Grand Turk. Serious cases are referred overseas, including regionally to the Bahamas, the Dominican Republic or Jamaica. If a service is not available regionally, serious cases are referred to facilities outside the Caribbean. Primary health-care facilities are operated by the Primary Health Care Department on all islands.

53. According to the Pan American Health Organization, the “Vision 2020” health sector plan includes a primary health-care renewal strategy aimed at reducing the use of expensive hospital services and improving access to primary care.

E. Crime and public safety

54. According to the administering Power, the crime rate in the Turks and Caicos Islands remains low compared with other Caribbean nations. While most offences consist mainly of theft and burglary, there is also some violent crime, such as armed robbery and murder. Possession of illegal firearms remains a key priority target. In the three years from 2016 to 2019, crime declined by about 30 per cent. However, serious crime has remained at a constant level for the past five years. The police service has undergone extensive training in relation to child safeguarding, and a dedicated facility was opened on 10 December 2018. The centre is staffed by police, social workers and health service providers and uses the latest equipment available. According to the Pan American Health Organization, the Turks and Caicos Islands has enacted legislation that criminalizes human trafficking and mirrors the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In the period 2015–2016, there were 352 reported cases of domestic violence. The Domestic Violence Ordinance of 2014 provides greater protection for victims of domestic violence.

55. According to the administering Power, the Royal Turks and Caicos Islands Police Force collaborates with the private sector, has signed an official letter of agreement with the Miami Beach Police Department and works closely under Operation Bahamas and Turks and Caicos with the Royal Bahamas Police Force, as well as with the United States Coast Guard and Drug Enforcement Administration. All of those partners commit services and funding to jointly combat crime in the Turks and Caicos Islands, providing additional assets to those funded by the Government and the United Kingdom.

56. In 2019, the work of the United Kingdom-funded office of the law enforcement adviser was affected by the retirement of the post holder and the process of hiring a successor. RFA *Mounts Bay* has been stationed in the Caribbean since January 2017, as part of the North Atlantic patrol tasking of the Royal Navy, ensuring a year-round maritime presence of the United Kingdom to support the overseas territories to prepare for and respond to the threat of hurricanes and other disasters and to provide humanitarian assistance, disaster relief and crisis communications support in the region. The Government of the United Kingdom indicated its commitment to providing assistance to the overseas territories to deal with major storms and other disasters in the future.

57. According to the administering Power, a large criminal investigation by the Special Investigation and Prosecution Team, appointed during the interim Administration, has led to the prosecution of nine individuals from the former Government. The trial began in January 2016 and was expected to last between 12 and 18 months. However, owing to a number of delays, including changes of counsel and illness among the judiciary, as well as Hurricanes Irma and Maria, which resulted in a three-month delay, the trial is still ongoing. The prosecution case closed on 20 September 2018. At the time of writing, the defence case for the trial was being presented.

58. According to the Governor, working-level discussions have begun with the administering Power about the establishment of a contingent military force for the Territory. As presently envisaged, the reserve force would be trained in basic engineering and communications skills to support the Territory's maritime units and be on stand-by in times of natural disasters.

F. Human rights

59. In addition to the Convention for the Protection of Human Rights and Fundamental Freedoms, major international human rights instruments have been extended to the Turks and Caicos Islands. The right of individual petition to the European Court of Human Rights has also been extended to the Territory.

60. To strengthen the human rights framework in the Territory, the 2011 Constitution included a preamble in which the people of the Turks and Caicos Islands affirmed their intention to commit to the democratic values of a just and humane society, pursuing dignity, prosperity, equality, love, justice, peace and freedom for all. In addition, according to the administering Power, the section therein covering fundamental rights and freedoms of the individual provided a more comprehensive and inclusive legal framework that was more aligned to the protections guaranteed by the Convention than that of the previous 2006 Constitution, as evidenced, for example, by the addition of sexual orientation as a protected right.

61. The Human Rights Commission was established in 2008 as one of the institutions tasked with the protection of good governance under the framework primarily set out in the 2011 Constitution. Its primary responsibility is to promote understanding and the observance of human rights. Its operation and functions are governed by subordinate legislation under the revised Turks and Caicos Islands Human Rights Commission Ordinance of 2018.

62. The Equalities Ordinance 2012 offers protection from discrimination additional to that contained in the 2011 Constitution, identifying the protected characteristics of age, disability, marriage, political opinion, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

V. Environment

63. The Territory's Department of Environment and Coastal Resources is responsible for the conservation, protection and management of the Territory's natural resources, including wetlands, which cover nearly half of the surface of the islands. Most of the Territory's tourism-based economy hinges on maintaining a natural environment of high quality. While Providenciales and, to a lesser extent, Grand Turk are undergoing rapid development, many of the other islands, such as North Caicos, Middle Caicos and South Caicos, are experiencing less development. East Caicos remains largely untouched and ecologically intact.

64. The Department continues to require an environmental impact assessment to be conducted for all development projects to ensure that such development will not cause undue damage to the environment and that the best options are taken into account and/or inevitable impacts are mitigated. According to the administering Power, careful attention is given to the delicate balance between development and environmental preservation.

65. The Territory continues to regularly participate in regional meetings sponsored by the Caribbean Regional Fisheries Mechanism, at which planning for sustainable fisheries and disaster risk management are discussed along with climate change issues. The administering Power also continues to provide funds for projects focused on environmental sustainability.

66. The Territory has begun work on several important pieces of environment legislation, especially around species management, with regard to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and biosecurity, with the administering Power providing drafting support in many areas.

VI. Relations with international organizations and partners

67. The Turks and Caicos Islands remains an associate member of ECLAC, including the Commission's Caribbean Development and Cooperation Committee.

68. The Territory is an associate member of CARICOM. It is also a member of the Caribbean Development Bank, the International Criminal Police Organization and the Caribbean Financial Action Task Force. In addition, it is a member of the Caribbean Regional Fisheries Mechanism and an associate member of the Association of Caribbean States. As a Non-Self-Governing Territory of the United Kingdom, the Territory is associated with the European Union, but not a part of it.

69. A representative of the Turks and Caicos Islands attended the fortieth regular meeting of the Conference of Heads of Government of CARICOM, held in Gros Islet, Saint Lucia, from 3 to 5 July 2019. The Conference issued a communiqué in which the Heads of Government expressed their deep concern at the continued blacklisting of some of the member States and associate members and viewed such action as a clear and direct threat to the economic well-being of those countries and the region.

70. According to the administering Power, the United Kingdom and its overseas territories have continued their dialogue on the implications for the latter of the departure of the United Kingdom from the European Union. The administering Power reiterated its commitment to achieving an outcome that worked for all parts of the British family.

VII. Future status of the Territory

A. Position of the territorial Government

71. Information on constitutional, legal and political developments is contained in section I above.

B. Position of the administering Power

72. According to the administering Power, owing to the general election held in the United Kingdom on 12 December 2019, the seventh meeting of the United Kingdom-Overseas Territories Joint Ministerial Council was postponed until the first quarter of 2020, when the administering Power will host the representatives of the Governments of its overseas territories to discuss a wide range of policy issues, among them, the departure of the United Kingdom from the European Union, environmental matters, and other pressing issues.

73. At the 7th meeting of the Special Political and Decolonization Committee (Fourth Committee), on 15 October 2019, during the seventy-fourth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British. She added that the Joint Ministerial Council was the primary forum for annual high-level political dialogue between the United Kingdom and the overseas territories and had a mandate to monitor and advance collective priorities, in the spirit of partnership.

74. She went on to say that, in the communiqué adopted at the sixth meeting of the Joint Ministerial Council, the Governments of the United Kingdom and the overseas territories had reiterated their commitment to a modern political partnership and their

continued support for the constitutional arrangements in the territories, under which powers were devolved to the maximum extent possible consistent with British sovereignty.

75. She stated that her Government's fundamental responsibility and objective under international law, including the Charter of the United Nations, was to ensure the security and good governance of the territories and their peoples and that territorial Governments were expected to meet the same high standards as the Government of the United Kingdom in maintaining the rule of law, respect for human rights and integrity in public life, delivering efficient public services and building strong and successful communities and were being supported by her Government in those areas. She explained that her Government was fully committed to involving all overseas territories in the negotiations on leaving the European Union. To that end, the administering Power had established a joint ministerial committee on European Union negotiations to discuss the priorities of the overseas territories.

VIII. Action taken by the General Assembly

76. On 13 December 2019, the General Assembly adopted resolution [74/110](#) without a vote, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2019 ([A/74/23](#)) and the subsequent recommendation by the Fourth Committee. In that resolution, the Assembly:

(a) Reaffirmed the inalienable right of the people of the Turks and Caicos Islands to self-determination, in conformity with the Charter of the United Nations and with Assembly resolution [1514 \(XV\)](#), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of decolonization of the Turks and Caicos Islands, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of the Turks and Caicos Islands to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution [1541 \(XV\)](#) and other relevant resolutions and decisions;

(d) Took note of the positions and repeated calls of CARICOM and the Movement of Non-Aligned Countries in support of a democratically elected territorial Government and of the full restoration of democracy in the Territory as decided by its people;

(e) Noted the continuing debate on constitutional reform within the Territory, and stressed the importance of participation by all groups and interested parties in the consultation process;

(f) Stressed the importance of having in place in the Territory a constitution that reflected the aspirations and wishes of its people, based on the mechanisms for popular consultation;

(g) Requested the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(h) Welcomed the active participation of the Territory in the work of ECLAC;

(i) Stressed that the Territory should continue to participate in the activities of the Special Committee, including regional seminars, in order to provide the Committee with up-to-date information regarding the decolonization process;

(j) Welcomed the continuing efforts made by the territorial Government addressing the need for attention to be paid to the enhancement of socioeconomic development across the Territory;

(k) Stressed the importance of the Special Committee being apprised of the views and wishes of the people of the Turks and Caicos Islands and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between the Turks and Caicos Islands and the administering Power;

(l) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in the Turks and Caicos Islands, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(m) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and to preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(n) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supported, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as an international financial centre, that were not aligned with the interest of the people of the Territory;

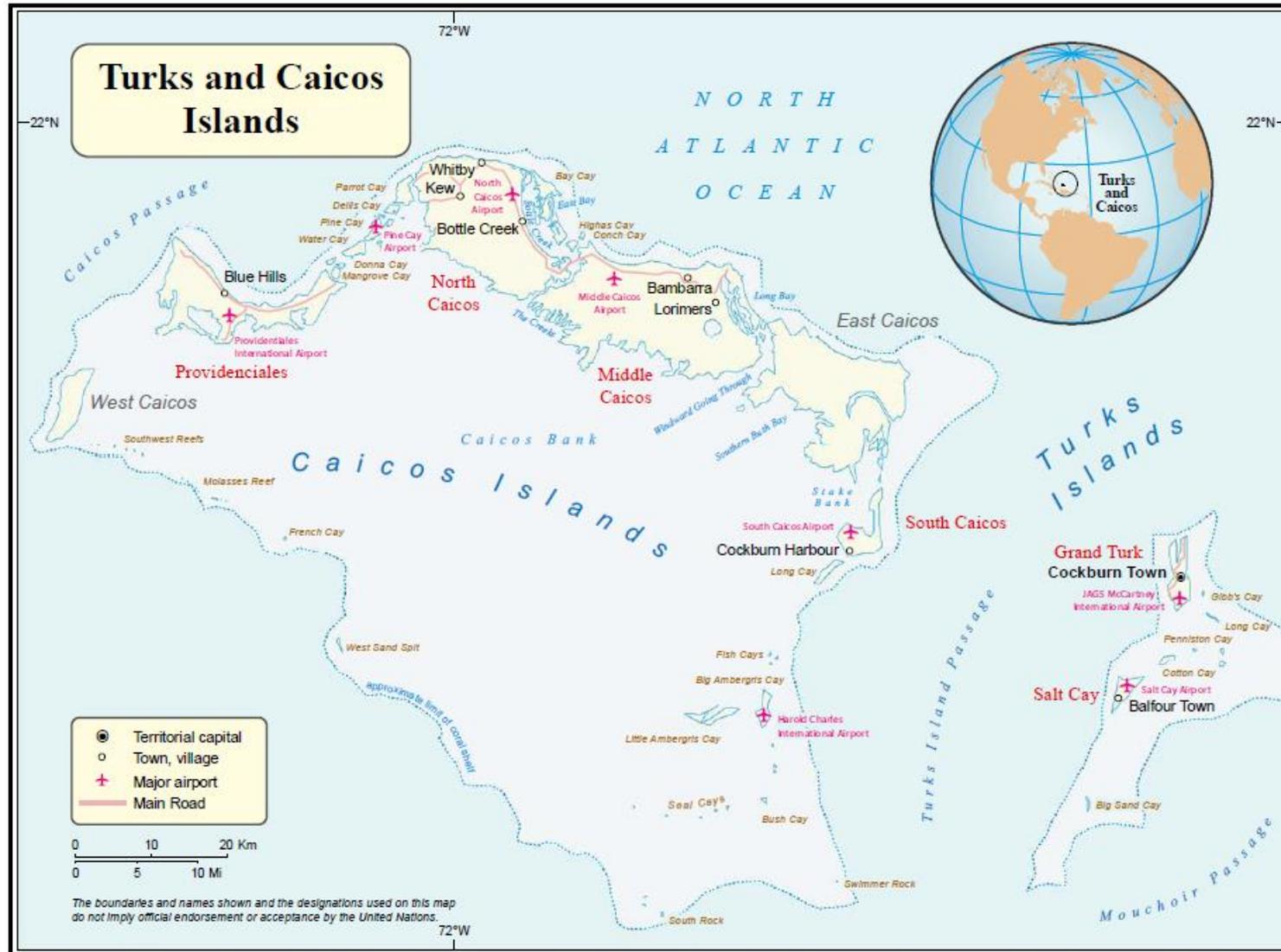
(o) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(p) Called upon the administering Power, the specialized agencies and other organizations of the United Nations system and regional organizations to provide all the assistance necessary to the Territory, support the recovery and rebuilding efforts and enhance capabilities for emergency preparedness and risk reduction, in particular in the aftermath of Hurricane Irma and Hurricane Maria that impacted the Territory in 2017;

(q) Requested the Special Committee to continue to examine the question of the Turks and Caicos Islands and to report thereon to the Assembly at its seventy-fifth session and on the implementation of the resolution.

Annex

Map of the Turks and Caicos Islands



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Department of Field Support
Geospatial Information Section (formerly Cartographic Section)