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## 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

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*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 5 December 2022. Further details are contained in previous working papers, available at [www.un.org/dppa/decolonization/en/documents/workingpapers](http://www.un.org/dppa/decolonization/en/documents/workingpapers).



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### **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 km<sup>2</sup>

*Exclusive economic zone:* 154,068 km<sup>2</sup>

*Population:* 47,720 (2022 estimate): approximately a quarter are citizens, and three quarters are immigrants from the Bahamas, Canada, the Dominican Republic, Haiti, the United Kingdom, the United States, the Philippines and other countries

*Life expectancy at birth:* 75 years (men: 72 years; women: 78 years) (2020)

*Language:* English

*Capital:* Cockburn Town

*Head of territorial Government:* Charles Washington Misick (since 20 February 2021)

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

*Elections:* Most recent: 19 February 2021

*Legislature:* House of Assembly

*Gross domestic product per capita:* \$23,628 (nominal, 2021 estimate)

*Economy:* Tourism, financial services, construction

*Unemployment rate:* 8 per cent (2022 estimate)

*Monetary unit:* United States dollar

*Brief history:* The first inhabitants of the islands were the Arawak-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 as the Territory's fifth since 1962 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 some 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. The interim Administration, which started in August 2009, 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.

10. 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 long 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.

11. For its part, in September 2013, the House of Assembly established an eight-member constitutional review committee, comprising representatives of the territorial Government, the opposition and the public, which 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.

12. 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.

13. 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. 12) was abolished in March 2017.

14. 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.

15. On 5 December 2018, the then 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.

16. In a speech on the occasion of the swearing-in of the Governor in July 2019, the then 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 that 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.

17. In a public statement made in December 2019, the then 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. According to the administering Power, these proposals were shared with the United Kingdom in February 2020, and its Government responded in August 2020, seeking further clarification on some of the proposed changes.

18. In the general election held on 19 February 2021, the Progressive National Party won 14 of the 15 elected seats in the House of Assembly, returning to the majority. The Progressive National Party leader, Charles Washington Misick, became Premier of the Turks and Caicos Islands.

## **II. Budget**

19. According to the territorial Government, the budget estimates for the fiscal year from April 2022 to March 2023 indicate revenues of \$395.7 million, operating expenditures of \$338.9 million, contributions to a development fund of \$50.0 million and an operating surplus of \$6.8 million. The Foreign, Commonwealth and Development Office also funds \$1.0 million in development projects.

20. 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**

21. The main sectors of the economy are tourism and financial services. According to the Statistics Department, the Territory's gross domestic product (GDP) in 2021 in terms of current prices was estimated at \$943.2 million, down from \$1.2 billion in 2019. The official statistics indicate that the revised estimated real economic growth forecast in 2021 was 13.6 per cent, following a decline of 26.8 per cent in 2020. According to the administering Power, the decline in GDP in 2020 was the result of the coronavirus disease (COVID-19) pandemic. The pandemic had a direct impact on the tourism sector, which has been the main driver of growth in the Territory over the years. However, the tourism sector has rebounded from the impact of COVID-19 and

is estimated to have grown by more than 10 per cent in 2021 and to have also experienced significant growth in 2022. According to the Statistics Department, GDP is estimated to have increased by more than 7 per cent in 2022 and is forecast to increase by more than 5 per cent in 2023.

22. According to the administering Power, while economic growth in the Turks and Caicos Islands has not been substantial over the past few years, it has been stable and positive, with the exception of the effects of the hurricanes in 2017, the COVID-19 pandemic in 2020 and Hurricane Fiona in 2022, and has laid the foundation for improved performance in years to come. It is worth noting the vulnerability of the Turks and Caicos Islands to hurricanes during the period between June and November, since this can dampen economic activities as a result of damage to infrastructure, hotel closures, flight cancellations and other economic disturbances. The Turks and Caicos Islands recognizes the importance of practising fiscal prudence as an important aspect of its future growth and development prospects. Consequently, the Government seeks to ensure that its short-run macroeconomic management (three-year plans) and its medium-term development strategy intentionally complement its long-run development policy initiatives (“Vision 2040”).

## **B. Tourism and construction**

23. Despite the challenges faced as a result of the COVID-19 pandemic, tourism continues to be the Territory’s primary industry. According to the Statistics Department, the economy is largely geared towards tourism and related services because there are few natural resources available. Most foreign direct investment has, over time, been in the tourism industry, a field in which the Government strongly encourages investment. Tourism and related services accounts for over 65 per cent of GDP.

24. According to the administering Power, the Turks and Caicos Islands tourism industry is anticipated to make a complete recovery from the COVID-19 pandemic by the end of 2023, despite having contracted by 53 per cent in 2020 compared with 2019. Figures for the tourism industry in 2022 are estimated to have been only 10 per cent lower than in 2019.

25. According to the administering Power, construction activity grew by 16.9 per cent in 2019. The construction sector’s strong performance is anticipated to continue in 2023. Enterprises and individuals are expected to drive the sector’s growth, which is forecast to average 4 per cent between 2022 and 2025. The Government’s new and ongoing capital programmes, which are concentrated on infrastructure development, improved physical working conditions and community-based initiatives, are likely to help the construction industry to maintain its good performance. Foreign direct investment in tourism and related projects, as well as an increase in domestic private sector investment, are also anticipated to boost construction activity.

## **C. Financial services**

26. 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.

27. 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.

28. 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 Territory.

29. In May 2018, the Parliament of the United Kingdom passed the Sanctions and Anti-Money Laundering Act, pursuant to which the Secretary of State was 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. On 14 December 2020, the Government of the United Kingdom published a draft Order in Council setting out a framework for the registers. The Government of the Turks and Caicos Islands has committed itself to introducing such a register, and the Government of the United Kingdom is providing support where required. The Government of the United Kingdom expects this register, and those of the other overseas territories, to be in place by the end of 2023. This is in line with the call by the United Kingdom to make publicly accessible registers a global norm by 2023.

## **D. Agriculture and fisheries**

30. Agriculture and fisheries continue to account for less than 1 per cent of the Territory's GDP. Agricultural production is limited by the lack of fresh water and the infertility of the soil. It consists mainly of food crops (okra, corn and sweet potatoes) and fruit trees on the Caicos Islands. In the past year, there have been some new innovations in farming using modern techniques such as hydroponics. There are no medium or large commercial producers of either crops or livestock. In July 2022, the first local fresh produce public market was opened in the Territory on the island of Providenciales, where farmers from the Caicos Islands and Providenciales sell their produce directly to consumers. The Government has expressed interest in developing the sector to improve the country's food security and has pledged support through agricultural grants to registered farmers and funds as part of an agricultural development and food security plan. Fishing is the Territory's main primary sector industry. The Government has commissioned a fisheries assessment study and strategic plan, with the intention of growing the sector and addressing the long-term needs of fisherfolk.

31. The Territory continues to participate regularly in regional meetings sponsored by the Caribbean Regional Fisheries Mechanism, at which planning for sustainable fisheries are discussed. The Department of Fisheries is now aligned with the Maritime Department, which is responsible for the safety of life at sea and the implementation of related international conventions. The Department has now become the Department of Fisheries and Marine Resources Management.



32. According to the administering Power, the territorial Government has increased its enforcement efforts in recent years and has also been effective in policing fisherfolk and educating them on the risks associated with coral reef bleaching. These actions have reduced the catch of lobsters that were not of the proper size and curbed unlawful fishing. In addition to the fishing industry, the territorial Government has put in place programmes like “eat what you grow and grow what you eat”, which are meant to encourage and expand the agricultural sector and increase the contribution of the agricultural industry as a whole.

## **E. Communications and utilities**

33. 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. Hurricane Irma and Hurricane Maria in 2017 and, more recently, Hurricane Fiona in 2022, affected communications and the power system throughout the Territory. On islands outside Providenciales, communications are poor, owing to insufficient broadband capacity in the absence of optical fibre connectivity.

34. The Territory has two international airports: the main one on Providenciales and a smaller one on Grand Turk. Flights are available to most countries in the Caribbean, including 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. The main commercial port is South Dock, which is situated on Providenciales. Grand Turk has a commercial port and a cruise ship terminal. North Caicos has a deep-water port. Two telecommunications companies provide national and international telephone and Internet services in the Territory. There are three television stations in the Territory. The two main weekly newspapers also maintain websites.

35. 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 1.0 per cent of electricity is produced from diesel-powered generators. Numerous studies have indicated that, owing to the excessive cost of electricity generation, renewable resources, including carbon-neutral sources such as solar and wind, would not only be economically viable and environment-friendly, 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 Renewable Energy Bill is being reviewed to encourage the use of renewable sources of energy. The Resilient National Energy Transition Strategy was developed, with an emphasis on building resiliency, least-cost energy generation, reliability of supply and environmental sustainability. Integrated resource planning is also being undertaken to ensure that all viable energy resources, as well as adherence to industry best standards and practices, are considered.

## **IV. Social conditions**

### **A. General**

36. According to the Statistics Department, the total estimated population for 2022 was 47,720. According to a report issued by the Economic Commission for Latin America and the Caribbean (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, Turks and Caicos Islanders, 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.

37. 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**

38. 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.

39. 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.

40. According to the administering Power, since 2012, the Territory has put in place a transparent and simplified system for obtaining 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 Immigration and Border Services 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 vote in an election, apply and be considered for the acquisition of residential crown land, 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 Convention relating to the Status of Refugees of 1951. A committee responsible for processing applications for Islander status came into effect on 1 January 2020 and was expected to begin reviewing applications from 2016 and 2017.

41. 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 National Security Strategy was launched in January 2020 and was updated in 2021. The Territory has increased capacity, placing emphasis on an intelligence-driven border force, increasing training and further developing stakeholder relationships with regional and international partners. The implementation of a robust border management system with e-gates and biometric capabilities are among the objectives of the territorial Government.

## C. Education

42. 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, 11 primary schools and 5 secondary schools are operated by the territorial Government. While there are more private schools than public schools, approximately 61 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.

43. 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.

44. 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. Students will be eligible for tuition fee loans in England provided that they have settled status upon arrival in the United Kingdom and are starting full-time or part-time undergraduate courses in the 2023/24 academic year. Eligible students are encouraged to ensure that they hold a British passport before applying for home fee status to study in the United Kingdom.

## D. Public health

45. According to the administering Power, medical facilities in the Turks and Caicos Islands have maintained operations through the Turks and Caicos Islands hospitals and primary health-care clinics across the islands. Serious cases requiring tertiary care not available in the Territory are referred overseas, including regionally to the Bahamas, the Cayman Islands, the Dominican Republic or Jamaica, and occasionally to Colombia and the United States. If a service is not available regionally, serious cases are referred to facilities outside the Caribbean.

46. According to the administering Power, work is currently under way to develop the 2023–2026 National Health Sector Strategic Plan, aimed at ensuring access to sustainable, high-quality and affordable health care for residents. This plan is supported by the Pan American Health Organization (PAHO).

47. In response to the COVID-19 pandemic, the Turks and Caicos Islands closed its borders to all non-essential travel on 24 March 2020 and reopened its borders to regional and international travel on 22 July 2020.

48. According to the administering Power, the territorial Government implemented a number of control measures in response to the COVID-19 pandemic. These included amendments to the Public and Environmental Health Ordinance, the issuance of the Turks and Caicos Islands Public and Environmental Health (Infectious and Notifiable Diseases) Notice 2020 and the Turks and Caicos Islands Public and Environmental Health (Control Measures) (COVID-19) Regulations 2020. The Ministry of Health developed and implemented a national COVID-19 emergency and response plan as part of its effort to manage and contain the spread of the virus. Persons desiring to travel into the Territory must be fully vaccinated if they are over 18 years of age. At the height of the pandemic, persons had to undergo pre-arrival polymerase chain reaction (PCR) or lateral flow/antigen testing. Various COVID-19-related standard operating procedures, guidelines and protocols have been developed for the public and private sectors. The testing capacity and capability of the National Public Health Laboratory were significantly enhanced, with support from the United Kingdom. The

COVID-19 pandemic brought to light the importance of the role of a public health laboratory in outbreak situations, where such facilities are integral to the rapid identification of disease agents so that the infected individuals may receive prompt treatment. Significant investment has also been made in increasing staffing across the health sector as well as increasing hospital capacity in anticipation of any potential surges in cases.

49. The Government of the Turks and Caicos Islands began vaccinating the local population against COVID-19 on 11 January 2021. On 4 October 2021, the COVID-19 vaccine booster programme commenced, using a strategy developed by the United Kingdom as a point of reference. According to the World Health Organization, as at 23 January 2023, a total of 73,907 vaccine doses had been administered.

50. The Government of the United Kingdom has been supporting the overseas territories throughout the COVID-19 pandemic. The support has included the funding and supply of testing kits, laboratory consumables, medical equipment, medical supplies and COVID-19 vaccines, including booster doses, and the provision of public health expertise. According to the administering Power, its support is in line with its enduring commitment to the peoples of its overseas territories.

## **E. Crime and public safety**

51. According to the administering Power, the overall crime rate in the Turks and Caicos Islands has risen, predominantly for the offences of murder and gang-related criminality. The annual murder rate rose from 20 in 2019 to 23 in 2020 and, as at 27 November 2022, there had been 32 murders across the islands in 2022. In response to the surge in firearms- and gang-related crimes, support has been sought and is being provided from both the region and the United Kingdom Government. The Royal Turks and Caicos Islands Police Force continues to develop its capabilities, with significant investment in the areas of intelligence, investigations, digital forensics and operations. This includes enhancements of its tactical unit and marine branch, the latter leading the work to protect the border and territorial waters.

52. According to PAHO, 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. The Domestic Violence Ordinance, which came into effect in 2015, provides greater protection for victims of domestic violence. The Turks and Caicos Islands has also recently enacted new national security laws, including in relation to the interception of communications, anti-gang legislation and the extension of minimum sentences for firearms-related offences.

53. According to the administering Power, the Royal Turks and Caicos Islands Police Force continues to collaborate with law enforcement partners both regionally and internationally, most notably with the United States Coast Guard and the Bahamas Defence Force, in the protection of the borders and seas in the North Caribbean. It had in particular deepened its relationship with the Bahamas Defence Force with the signing of a shiprider agreement. The Royal Turks and Caicos Islands Police Force, in collaboration with partners, has continued to focus on child protection. In late 2021, two child safeguarding practice reviews were undertaken.

54. In 2020 and 2021, as part of the work led by the United Kingdom-funded office of the law enforcement adviser, specialist tactical, crime investigation and management officers have been deployed to provide support and capacity-building to the Turks and Caicos Islands. In addition, the Royal Turks and Caicos Islands Police

Force has recruited additional officers to increase capacity. A United Kingdom-funded justice adviser was deployed in 2021 to support the delivery of a Justice Strategy.

55. The 2021–2024 Policing Strategic Plan, launched in April 2021, continues to provide a framework for enhancing service delivery and developing other aspects of policing. The Plan is anchored in the core values of integrity and accountability, and is aimed at reducing crime and the fear of crime, promoting collaboration with the community, protecting borders from local and transnational crime, investing in staff and performance management, and optimizing technology.

56. The Government of the United Kingdom has indicated its commitment to providing assistance to the overseas territories to deal with major storms and other disasters. In 2022, HMS *Medway* and HMS *Protector* were stationed in the Caribbean 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.

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 those caused by changes of counsel and illness among the judiciary, Hurricanes Irma and Maria and COVID-19, the trial continued until the passing of the presiding judge in early 2021, when two new smaller trials were established, the first of which started in June 2021. One of the accused has pleaded guilty.

58. The administering Power is supporting the establishment of a contingent military force for the Territory, the Turks and Caicos Islands Regiment. Officers are trained at the Royal Military Academy Sandhurst, while reserve marines receive training from visiting training teams from the British Army. The Regiment was established in 2021, and is tasked with supporting operations aimed at countering illegal migration, and with responding to 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.

## **V. Environment**

62. 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.

63. 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 that inevitable impacts are mitigated. According to the administering Power, careful attention is given to the delicate balance between development and environmental preservation.

64. The administering Power also continues to provide funds for projects focused on environmental sustainability. For example, it has assisted policymakers in their efforts to manage the risks of storm surging and flooding and has provided support for seabed mapping and the prevention of maritime pollution.

65. 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. In addition to the United Kingdom-funded conservation work to protect indigenous species, the Territory is conducting trials on tackling coral tissue disease, which threatens its reefs and the tourism and fishing industries. The Department is currently managing a number of projects supported by international agencies responsible for the environment. The Territory will finalize its five-year environmental strategy for the enhanced management of the environment. In 2022, the Territory hosted its first annual international conference on climate change and signed its revised national climate change charter. The Territory also became the first Caribbean overseas Territory to join the United Kingdom Government's Blue Belt initiative for marine conservation in 2022. This will focus on enhancing protection for biodiversity in the Territory, including by tackling coral diseases, creating a new marine protected area, combating illegal, unregulated and unreported fishing and mitigating the effects of marine pollution and climate change.

## **VI. Relations with international organizations and partners**

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

67. The Territory is an associate member of CARICOM. It is also a member of the Caribbean Development Bank, the International Criminal Police Organization (INTERPOL) 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.

## **VII. Future status of the Territory**

### **A. Position of the territorial Government**

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

### **B. Position of the administering Power**

69. At the 9th meeting of the Special Political and Decolonization Committee (Fourth Committee), on 14 October 2022, during the seventy-seventh session of the General Assembly, the representative of the United Kingdom stated that the relationship of his Government 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.

70. He added that the United Kingdom and the Territories were in agreement that the Territories had a large measure of internal self-government, subject only to the United Kingdom retaining powers that enabled it to carry out its obligations under international law. He also noted that the United Kingdom-Overseas Territories Joint Ministerial Council met annually to monitor and drive forward collective priorities, including environmental protection, and that the United Kingdom was committed to supporting Territories in achieving those collective priorities and to carrying out its responsibilities, including sharing security.

## **VIII. Consideration by the United Nations**

### **A. Special Political and Decolonization Committee (Fourth Committee)**

71. At its 2nd meeting on 3 October 2022, the representative of Ecuador, speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that CELAC remained concerned at the situation in the Turks and Caicos Islands and underscored the need to guarantee a truly inclusive, democratic and representative governmental approach to allow the people of that Territory to participate meaningfully in determining their own future (see [A/C.4/77/SR.2](#)).

72. At the same meeting, the representative of the United Kingdom, speaking in exercise of the right of reply, said that the relationship of the United Kingdom with all its overseas territories, including the Turks and Caicos Islands, was a modern one based on partnership, shared values and the right of the peoples of each Territory to determine their own future (see [A/C.4/77/SR.2](#)).

### **B. Action taken by the General Assembly**

73. On 12 December 2022, the General Assembly adopted resolution [77/146](#) 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 2022 ([A/77/23](#)) 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 General 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 General 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 the Caribbean Community 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 educational 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 the Economic Commission for Latin America and the Caribbean;

(i) Stressed that the Territory should continue to participate in the activities 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, 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) Reiterated its call 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 General Assembly at its seventy-eighth session and on the implementation of the resolution.

## Map of the Turks and Caicos Islands

