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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 11 January 2012. Further details are contained in previous working papers posted on the United Nations website www.un.org/en/decolonization/workingpapers.shtml.



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The Territory at a glance

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

Representative of administering Power: Governor Damian Roderic “Ric” Todd (September 2011).

Geography: The Territory comprises 40 islands and cays, and lies 145 km north of Haiti and the Dominican Republic and 925 km south-east of Miami, Florida, 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, Middle and South Caicos; and Salt Cay.

Land area: 948.2 km².

Exclusive economic zone: 154,068 km².^a

Population: 32,000 (2010 estimate), comprising nearly 9,700 citizens or “belongers” and a large majority of “non-belongers” hailing from the region, North America and Europe.

Language: English.

Capital: Cockburn Town.

Head of territorial Government: Governor-appointed interim Government, with no premier in place.

Main political parties: Progressive National Party, People’s Democratic Movement.

Elections: Last: 9 February 2007; next: to be called.

Legislature: House of Assembly (removed in 2009).

Gross domestic product (GDP) per capita: US\$ 11,500 (2010 estimate).

Economy: Tourism, financial services, construction.

Unemployment rate: 5.4 per cent (2007 estimate).

Monetary unit: United States dollar.

Brief history: Discovered by Spain in 1512. From 1874 to 1959 the Turks and Caicos Islands were governed by the United Kingdom of Great Britain and Northern Ireland as a dependency of Jamaica. They became a separate colony of the United Kingdom in 1962, when Jamaica achieved independence, although there were close constitutional ties with the Bahamas. When the Bahamas achieved independence in 1973, the Turks and Caicos Islands were given a Governor to replace their Administrator.

^a EEZ data from “Sea Around Us” Project, a collaboration between the University of British Columbia and the Pew Environment Group. Available from www.seaaroundus.org.

I. Constitutional, legal and political issues

1. Under the 2006 Constitution negotiated between the Territory and the United Kingdom, the Turks and Caicos Islands operated until the suspension of the Constitution in August 2009 (see below) on the basis of a ministerial system of Government, with a Governor appointed by the British Crown who was responsible for external affairs, defence, internal security, including the police force, and some public service matters. The legislature consisted of the British Crown and a House of Assembly, comprising a Speaker, 15 elected members, 4 appointed members and the Attorney General.

2. The law of the Territory consists mainly of locally enacted statutes, along with some laws enacted in the United Kingdom and English common law and the rules of equity. 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 judges and magistrates. The British Overseas Territories Act 2002 provides for the granting of British citizenship to “British Overseas Territory citizens”.

3. The most recent general election was held on 9 February 2007, with a voter turnout of 85 per cent. The ruling Progressive National Party (PNP), under Premier Misick, won 13 seats, against 2 won by the People’s Democratic Movement. The next general election was due by July 2011. However, in September 2010, the United Kingdom announced the postponement of the elections not “any longer than necessary”, even if, in its view, elections could not be held in 2011.

4. In the light of the accumulation of evidence in relation to the Turks and Caicos Islands and fortified by the findings of a commission of inquiry, on 14 August 2009 the Governor brought into force legislation that, inter alia, suspended parts of the 2006 Constitution, removing the ministerial government and the House of Assembly. In practice, the Governor works under the interim constitutional arrangements with an advisory council to advise him on policy and a consultative forum to allow the people’s voice to be heard. Each is constituted by Turks and Caicos islanders and its members are appointed by the Governor. This arrangement is sometimes referred to as the “interim Government” of the Territory or “direct rule”. (See A/AC.109/2010/10 and A/AC.109/2011/10.)

5. As previously reported, the United Kingdom appointed a Constitutional and Electoral Reform Adviser to review the 2006 Constitution in the light of the findings of the 2009 Commission of Inquiry and to make recommendations for change. The Adviser held public meetings in the Territory during 2010 and published various reports setting out possible areas for change. Following a series of public consultations in the Turks and Caicos Islands in early 2011, constitutional talks between the United Kingdom and a Turks and Caicos delegation concluded on 16 June 2011. The Privy Council made an Order in Council containing a new draft constitution on 13 July 2011, which was laid before the Parliament of the United Kingdom on 20 July. The new Constitution will be brought into force when United Kingdom ministers judge that conditions are right. Under the draft constitution, elections must be held within 30 days of the new constitution coming into force.

6. According to the United Kingdom, the Turks and Caicos Islands Constitution Order 2011 sets out fundamental rights and freedoms of the individual and provisions for their enforcement. It provides for a Governor as the British Crown’s

representative, for a House of Assembly composed of elected and appointed members and the Attorney General, for a Cabinet and for ministers appointed from among the elected or appointed members of the House. It 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 Prosecutions. Provision is also made regarding Crown land and for public financial management, including the independent audit of public accounts. Under the Order, the British Crown reserves the power, with the advice and consent of the Privy Council, to make laws for the peace, order and good government of the Territory. The Order would revoke the Turks and Caicos Islands Constitution Order 2006, as well as two Orders in Council of 2009 and 2010 that modified and supplemented it, which together form the present constitution of the Islands.

7. According to media reports, a point of contention persists among islanders to the effect that the 2011 Constitution text was designed and made by the United Kingdom with only suggestions from unelected individuals from the Territory and was not put to a vote or referendum by the electorate.

8. With respect to elections, in September 2010 the British Government announced that the elections due by July 2011 would not take place in 2011. That year, the administering Power began local consultations on the issue of the next elections.

9. Expressions of protest against various measures taken by the interim Government continued throughout 2011, notably with regard to constitutional, electoral and administrative matters. For instance, in October 2011, the Progressive National Party adopted a resolution supporting independence from the United Kingdom, a programme of educating the people of the Territory about the responsibilities of citizenship in an independent country, and a referendum to signify the will of the people on the question of independence. Also, in November 2011, the Civil Service Association and civil society groups, such as 1000+ Youths for Justice, as well as pastors and ministers, organized a public protest against the interim Government, which was followed by public sector strikes expressing concerns about a wide range of governance issues, including a voluntary severance scheme for civil servants.

10. Earlier in the year, a representative from the All-Party Commission on the Constitution and Electoral Reform, addressing the Caribbean regional seminar on decolonization convened by the Special Committee on Decolonization at Kingstown, Saint Vincent and the Grenadines, from 31 May to 2 June 2011, stated that the interim Government had to accept responsibility for its administration, including the dismal state of the economy and the controversial implementation of the new, "punitive" constitution, which returned major powers to the Governor on an ongoing basis. (For the full text of the statement, see www.un.org/en/decolonization/regsem2011.shtml.)

11. Petitioning the Special Committee in June and the Special Political and Decolonization Committee (Fourth Committee) in October 2011, representatives from the Turks and Caicos Forum argued that the international community should hold the administering Power fully accountable for the discharge of its responsibilities, possibly through the special designation or dispatch of a monitoring team.

II. Budget

12. With financial support of the United Kingdom Government announced in early 2011 for a period of two years, further steps were being taken to reduce expenditure and raise revenue to help achieve a budget surplus by 2013. In April 2011, the territorial Ministry of Finance presented the 2011/12 budget statement to the consultative forum, comprising approximately \$171 million for recurrent expenditure and approximately \$6 million for capital expenditure. With a United Kingdom Government loan guarantee of \$260 million announced in early 2011 for a period of five years, further steps are planned to reduce expenditure and raise revenue in order to achieve a budget surplus by March 2013. The tenth European Development Fund allocated €12 million to the Territory.

13. The Turks and Caicos Islands Government levies no taxes on corporate or personal income, capital gains or inheritance. There is no sales tax in the Territory. However, in 2011, direct taxation of certain financial services has been implemented with the introduction of a financial services sales tax and an insurance premiums sales tax. A 4 per cent customs processing fee on almost all imports has also been introduced, together with increases in the fuel tax, business licences and many other fees and charges.

14. The interim Government continues to seek treaty partners for tax information exchange agreements, and has, during 2011, undertaken phase 1 of the Organization for Economic Cooperation and Development Peer Review Process by the Global Forum on Transparency and Exchange of Information for Tax Purposes.

III. Economic conditions

A. General

15. The main sectors of the economy are tourism and financial intermediation. According to an Economist Intelligence Unit estimate, the Territory's 2011 gross domestic product (GDP) was about \$836.6 million.

16. In 2011, the interim Government published a new Crown land policy for the Turks and Caicos Islands. The policy was prepared following public consultations held in 2010 and a number of meetings with the Advisory Council and Consultative Forum. The document was published ahead of the resumption of service for islanders who wished to apply for an allocation of Crown land for residential use. The policy established a framework expected to bring transparency and accountability to government, and to ensure that Crown land is sustainably managed for the benefit of all in the Territory. The policy document was also made available on the Internet.

B. Tourism

17. As previously reported, over a decade of strong tourism growth was followed in the late 2000s by a drop in tourism figures. Approximately 80 per cent of tourist arrivals continue to be accommodated at resorts on Providenciales. According to media reports in 2011, the Turks and Caicos Islands attracted over 1 million tourists.

18. The Hotel and Tourism Association reported in 2010 an increase of 11 per cent over the previous year. The trend continued into 2011, with arrivals up around 10 per cent from the previous year. In 2011 the Association worked with the Tourist Board to market and promote the Territory's destination and hotels to generate more business from the South American market.

19. For its part, the Tourist Board embarked in 2011 on a strategy to encourage visits to the Territory's various islands, including through tours on North and Middle Caicos, and local flights to Grand Turk and Salt Cay. In November 2011, a new private airline was licensed to operate in the Turks and Caicos Islands.

C. Financial services

20. Financial services, including company registration, trust business and insurance, are a large source of external revenue. According to the United Kingdom, the financial services sector is centred on yacht and jet registries, including their financing and insurance, plus United States auto industry reinsurance.

21. There are three international commercial banks in the Territory, namely, the Canadian Imperial Bank of Commerce, Scotiabank and Royal Bank (all Canadian). The licensing, the supervision and the development of the financial services in the Territory is authorized 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 December 2011 report entitled "Global Corporate Taxation and Resources for Quality Public Services", issued by the Education International Research Institute on behalf of the Council of Global Unions, the Turks and Caicos Islands is a jurisdiction where foreign corporations pay licence fees to operate.

D. Agriculture and fisheries

22. Agricultural production is limited by the lack of freshwater and consists mainly of the growing of vegetables and citrus fruits on the Caicos Islands. Around 20 per cent of the Territory's working population is involved in agriculture and fishing.

23. Fishing is the Territory's main productive primary sector. Lobster, conch and other marine creatures make up the largest component of exports. Agriculture and fishing contributed approximately 1 per cent of the Territory's GDP.

E. Communications and construction

24. According to the United Kingdom, transport and communications facilities are of fairly good quality. The road network covers about 120 km, with 24 km of paved roads on Grand Turk, Providenciales and the Caicos Islands.

25. The Turks and Caicos Islands has three international airports: the main one is on Providenciales, and much smaller ones are on Grand Turk and South Caicos. There are also landing strips on Salt Cay, Pine Cay, Parrot Cay, Middle Caicos and North Caicos. Flights are available to a number of United States cities, as well as

London and Toronto. Air Turks and Caicos operates regional services to the Bahamas, the Dominican Republic, Haiti and Jamaica. The extension of the runway of the Providenciales international airport was completed and opened in August 2011. The runway is the first phase in a reported \$100 million expansion planned to promote economic development in the Turks and Caicos Islands.

26. The main commercial port of South Dock is situated in Providenciales. Grand Turk also has a commercial port, and North Caicos has a deep-water port.

27. International construction companies based in the Turks and Caicos Islands locally quarry sand and rock. The 2011/12 budget includes \$2 million from new sand mining contracts, with an expected potential for more in future years. According to the interim Government, sand mining is not permitted in protected areas, and is to be preceded by environmental impact assessments.

28. Three telecommunications companies provide domestic and international telephone services in the Territory. There are a handful of cable television channels on Grand Turk, over two dozen channels on Providenciales, and six radio stations. There are no daily newspapers. A number of weekly papers also maintain a Web presence.

IV. Social conditions

A. General

29. The Government of the Turks and Caicos Islands has over the years acknowledged the need to address considerable imbalances among the various islands and social groups. One measure taken was the launch in 2005 of a 10-year national development plan that provides a long-term vision for the Territory's development and a strategic framework for Government and private sector activities.

30. 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 who are gainfully employed within the Turks and Caicos Islands between the ages of 16 and 65 years.

31. The United Nations Children's Fund provided general background information on children and families with respect to the Turks and Caicos in its 2011 country programme document entitled "Eastern Caribbean multi-country programme".

B. Immigration and labour

32. The Territory's main employer is the public sector, which employs nearly one third of the working population. Approximately 70 per cent of the workforce is employed in the service sector. According to media reports, there are about 6,500 domestic workers and around 12,000 expatriate workers in the labour force. Unemployment, especially in the volatile construction and tourism sectors, rose in 2011, owing largely to the effects of the global economic crisis. Rates within the Islands vary widely.

33. According to media sources, in 2011 the visa application system in the Territory underwent a major overhaul. Changes included a new requirement that all

applications had to be made at United Kingdom posts overseas. Also, the Territory's Employment Services Department launched new job placement services, and streamlined labour clearance and work permit procedures. Moreover, conciliation and arbitration services were enhanced.

C. Education

34. Education in the Territory is free and compulsory for children from 4 to 16 years of age. According to the United Kingdom, there are 47 schools on the islands, with a total enrolment of approximately 5,200, covering from preschool up to tertiary education. Of these, 14 are Government-run, 10 are primary schools and 4 are high schools. Although there are more private than public schools, approximately 79 per cent of students are enrolled at public schools. The adult literacy rate is estimated at 98 per cent. The rate among immigrants is much lower.

35. As to higher education, there is a community college with branches on Grand Turk and Providenciales that provides two-year courses, mostly in vocational subjects. Citizens from the Overseas Territories benefit from the home student fee rate at English universities. According to media sources, in 2011 the Turks and Caicos Islands Government had \$5 million in scholarship commitments for 149 students studying at various institutions abroad and continued to address various recent reported abuses connected to the scholarship programme.

D. Health care

36. In 2010, in implementation of a national health insurance plan, health care was extended to all legal residents of the Turks and Caicos Islands, and not solely to belongers, as was previously the case. Contributions are mandatory for employers and employees. The Plan provides health care for 5 per cent of wages or earnings, split evenly between an employer and employee. According to media reports in 2011, the interim Government announced that contributions from employees and employers would rise by 20 per cent in order to address a serious revenue shortfall in the national health insurance plan. Foreign workers would no longer be entitled to overseas care and would be referred back to their home country for secondary care.

37. According to the Turks and Caicos Islands Government, the envisaged development and implementation of a national strategic health plan and an effective health-care regulatory authority would be essential in bringing about a reduction in health sector costs.

E. Crime and public safety

38. According to the United Kingdom, the general level of crime in the Turks and Caicos Islands was low in 2011. On Providenciales, however, the first point of arrival into the Territory and the Territory's centre of population and economic hub, it is higher than on the other islands.

39. Following a spike in violent and gun-related crime on Providenciales in 2010, the Consultative Forum recommended approval of amended legislation to provide the courts with tougher measures with which to tackle violent and gun-related

crime. According to the United Kingdom, these measures, together with targeted and intensified policing, quickly brought the situation under control.

40. In 2011, the Territory's Special Investigation and Prosecution Team confirmed to the media that several people, including former ministers and the incumbent PNP leader, were arrested in connection with the ongoing investigations into allegations of corruption within the ranks of the elected territorial Government removed in 2009. For additional information, see working paper A/AC.109/2011/10.

41. With regard to civil recovery, according to the United Kingdom, after 18 months of inquiries, a civil recovery team made over 29 separate recoveries of land and/or cash amounts. As of July 2011, 900 acres of land have been returned to the British Crown with a total value of tens of millions of dollars. Appeals, where they take place, will inevitably lengthen the process, but by the time the process comes to an end, the interim Government expects to have recovered several hundred million dollars worth of land to help to provide a more secure long-term future for the islands.

42. According to the United Kingdom, on 7 April 2011, the population of the administering Power's prison in Grand Turk stood at 99, with 41 on remand and 58 serving sentences, including 2 juveniles. In general, custodial sentences in the Territory are usually given only to juveniles who commit very serious offences. In such instances, juveniles are housed in an area of the prison that is isolated from the general population and are monitored by the Department of Social Development. The previous practice had been to send juveniles abroad after sentence, in view of the absence of a special juvenile facility in the Turks and Caicos Islands.

43. According to the United Kingdom, the approach of the interim Government continues to be to work with international and regional technical assistance providers, such as the International Monetary Fund and the Caribbean Financial Action Task Force and with in-territory agencies, including the Financial Services Commission, to enhance their own systems to detect, investigate and prosecute money-laundering and other suspected abuses. The Financial Action Task Force, an independent intergovernmental body that develops and promotes policies to protect the global financial system against money-laundering and terrorist financing, provided information on the situation with respect to the Turks and Caicos Islands in its October 2010 report entitled "Money Laundering Using Trust and Company Service Providers".

44. With regard to security matters, the administering Power decided in 2011 to deploy a specially equipped Royal Fleet Auxiliary to support disaster relief and counter-narcotics in the Caribbean United Kingdom Overseas Territories in implementation of decisions taken in the recent United Kingdom Strategic Defence and Security Review.

F. Human rights

45. In 2008, the Human Rights Commission Ordinance established the Human Rights Commission to help the Territory to conform with international standards concerning various human rights obligations.

46. According to the Commonwealth Foundation, which supports human rights work in the Territory, during 2011 the Territory made efforts to develop a national

action plan on human rights that would focus on improving legislation, awareness and policies, including relating to gender, immigration and refugees.

47. The following major human rights conventions have been extended to the Turks and Caicos Islands: the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women. The Territory has not yet acceded to the Convention on the Elimination of Racial Discrimination. The European Convention on Human Rights also applies to the Turks and Caicos Islands and individuals have the right to bring cases to the European Court of Human Rights when no other remedy exists in the Territory.

48. According to the United Kingdom, the draft Constitution contained in the 2011 Order strengthens the fundamental rights chapter in the 2006 Constitution and adds some new rights.

V. Environment

49. The Turks and Caicos Islands has an important environmental legacy to protect. As previously reported, the wetlands on Providenciales have suffered severe environmental degradation as a result of rapid development for real estate and tourism, although some remain through the protected area and national parks system. The Territory's Department of Environment and Coastal Resources is charged with the conservation, the protection and the management of the natural resources of the Turks and Caicos Islands.

50. For its part, in January 2012, the United Kingdom Government's Department for Environment, Food and Rural Affairs issued a paper entitled "The Environment in the United Kingdom's Overseas Territories: UK Government and Civil Society Support" on the advice and support available to the Territories in areas of its competency, and highlighted the availability of departmental funds for that purpose.

VI. Relations with international organizations and partners

51. The Turks and Caicos Islands has associate membership in the Economic Commission for Latin America and the Caribbean, including in the Commission's Caribbean Development and Cooperation Committee.

52. The Turks and Caicos Islands is an associate member of the Caribbean Community (CARICOM) and of the Association of Caribbean States. The Territory is a member of the Caribbean Development Bank and the International Criminal Police Organization, as well as of the Caribbean Financial Task Force, which was set up to combat money-laundering in the Caribbean Basin. In 2011, CARICOM reiterated its concern at the situation in the Territory, in which the administering Power continued to postpone general elections, and called for a return to democratic and representative government. According to the United Kingdom, closer links were being sought with the Organization of Eastern Caribbean States and with neighbouring Bahamas.

53. The Turks and Caicos Islands are associated with the European Union through the provisions of Part IV of the Treaty on the Functioning of the European Union

and the detailed rules and procedures set out in the Overseas Association Decision of 27 November 2001 (2001/822/EC).

VII. Future status of the Territory

A. Position of the territorial Government

54. Information on political and constitutional developments regarding the Turks and Caicos Islands is contained in section II above.

B. Position of the administering Power

55. According to the summary record of the second meeting of the Fourth Committee of the General Assembly at its sixty-sixth session (A/C.4/66/SR.2) held on 3 October 2011, the representative of the United Kingdom said, inter alia, that the relationship of the British Government with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine whether it wished to remain linked to the United Kingdom or not. The speaker went on to say that the British Government had recently announced a new strategy towards the Overseas Territories. The implementation of the new strategy would take different forms in each Territory, and a public consultation exercise had been launched in order to encourage the Territories and other stakeholders to input their views on priorities. The outcome of the exercise would inform the White Paper on the Territories that the Government of the United Kingdom intended to publish in 2012. The Government was committed to allowing each Territory to run its own affairs as far as possible, which entailed responsibilities and good governance on the part of the Territory.

56. The speaker further stressed that “where, however, high standards of probity and governance were not maintained, the United Kingdom did not hesitate to intervene”, as it had done in 2009, when it suspended the legislature and the Government of the Turks and Caicos Islands. Since that time, the representative went on to say, much progress had been made to embed the principles of sound financial management, good governance and sustainable development across the territorial Government. It was the intention of the British Government to hold elections in 2012, provided that sufficient progress had been made against specific milestones set out in 2010, one of which was the implementation of a new Turks and Caicos Islands Constitution Order. Following wide consultations, a new Constitution had been drafted in 2011 that could be brought into force by the Governor when conditions were right for elections to be held.

C. Action by the General Assembly

57. On 9 December 2011, the General Assembly adopted without a vote resolution 66/89 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/66/23) and its subsequent consideration by the Fourth Committee. Section X of resolution 66/89 B concerns the Turks and Caicos Islands. In that section’s operative paragraphs the General Assembly:

“1. *Notes with grave concern* the ongoing situation in the Turks and Caicos Islands, and notes the efforts of the administering Power to restore good governance, including through the introduction of a new 2011 constitution, and sound financial management in the Territory;

“2. *Calls for* the restoration of constitutional arrangements providing for representative democracy through elected territorial Government as soon as possible;

“3. *Notes* the positions and repeated calls of the Caribbean Community and the Movement of Non-Aligned Countries for the restoration of democratically elected territorial Government as a matter of urgency, and also notes the view expressed by the administering Power that elections should not be postponed any longer than necessary;

“4. *Also notes* the extensive public consultations undertaken by the Constitutional and Electoral Reform Adviser and the continued debate on constitutional and electoral reform within the Territory, and stresses the importance of participation by all groups and interested parties in the consultation process;

“5. *Stresses* the importance of having in place in the Territory a Constitution that reflects the aspirations and wishes of the people of the Territory, based on the mechanisms for popular consultation;

“6. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

“7. *Welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

“8. *Also welcomes* the continuing efforts made by the territorial Government addressing the need for attention to be paid to the enhancement of socio-economic development across the Territory.”
