

When Disaster Strikes Small Islands. The Right of Overseas Territories and Micro-States to Claim International Attention

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In the field of humanitarian assistance, the term “forgotten crisis” describes an emergency situation assessed to be in need of humanitarian action, yet lacking important media coverage and public attention.

The fact that local or foreign politicians, international civil servants, humanitarian aid workers or the victims declare a specific situation an emergency does not necessarily sell it to the global information market. Pierre Gassmann, senior policy maker with the International Committee of the Red Cross, was reminded at this dilemma as he accompanied an ICRC delegation to the US-American Cable News Network, CNN, in Atlanta, Georgia¹. The delegation was trying to convince CNN to cover the Great Lakes Crisis in 1994; the television network refused to cover Rwanda and Burundi as they already had one group of journalists in the politically evolving Republic of South Africa. More than one major news topic from the African continent was not possible under the company’s business policy for headline news. Such network news is received all over the world and is likely to attract the attention of the international community. This is known as the “CNN effect”.

Forgotten crises of the classical type are found, for example, in Western Sahara – with little population and even less lobbying capacity in the international community – or in the Southern Province of Senegal, Casamance, where civil unrest has been part of everyday life for the past twenty years. There are, however, many other regions or countries which *per se* seem to be forgotten, and which therefore, when an emergency occurs, start grasping for international attention although they have an even less privileged status than small countries such as Western Sahara.

To give an example: If an emergency occurs in the second smallest African country², São Tomé e Príncipe, how does this small island country make itself heard? Through regional

¹ *Pierre Gassmann* reported this experience during the IV. Humanitarian Conference at the Charité, Berlin, 29 – 30 November 2002.

² US Central Intelligence Agency, CIA World Factbook 2004, <http://www.cia.gov/cia/publications/factbook/geos/tp.html> (accessed on 30 July 2004): The Democratic Republic of São Tomé and

integration, it could call on the African Union. At the same time, its former colonial power, Portugal, which granted it independence only in 1975, still has an interest in maintaining its international sphere of influence, of which São Tomé e Príncipe is a part.

Or it could turn to France, which after bringing the former Spanish colony of Equatorial Guinea into the Francophonie Organization, also tried to extend its influence over the former Portuguese possessions in Africa, and thus has a certain degree of interest in São Tomé e Príncipe as well. This small island republic could quite easily obtain European attention for itself through diplomatic channels.

Yet another recourse is Brazil, which – as South America's only lusophone country and a regional power – claims a dominant position within the community of Portuguese-speaking countries.

This short analysis shows that, given the *de jure* and *de facto* sovereignty of an independent state, interaction with the international community is available.

That privileged position is also accorded to weak states – even to the micro-states of Africa, as long as they enjoy sovereignty³. But what happens to territories which, firstly, do not have sovereignty and, secondly, cannot or do not apply the right of self-determination to gain sovereignty? Territories at war or under occupation usually receive some international attention. This applies to Afghanistan, Iraq, and Chechnya in times of war; the Palestinian territories are covered in the news of most countries of the world; Western Sahara has had UN missions; formerly Portuguese and Indonesian East Timor received help to become independent until recently; and Aceh Province's struggle for autonomy becomes visible to the large media markets every time an act of violence produces victims. The same attention applies to the Special Administrative Regions (SARs) Macao and Hongkong with their

Príncipe: has a total area of 1,001 square kilometres and a population of 181,565 (July 2004 estimation).

³ Other African countries with a total area of less than 40,000 square kilometres, which could therefore be classified as territorial micro-states as well, are (population in brackets): Burundi (6,231,221); Cape Verde (415,294); Comoros (651,901); Djibouti (466,900); The Gambia (1,546,848); Guinea-Bissau (1,388,363); Equatorial Guinea (523,051); Lesotho (1,865,040); Mauritius (1,220,480); Rwanda (7,954,013); Seychelles (80,832); Swaziland (1,169,241). The Worldbank uses the criteria of a population of less than 3,000,000 to define the group of micro-states. For Africa, this would encompass Mauritania (2,998,563); the Republic of Congo (2,998,040); Namibia (1,954,033); Botswana (1,561,973); and Gabon (1,355,246). Both Burundi and Rwanda do not belong to this category. Population estimates as of July 2004, US Central Intelligence Agency, CIA World Factbook 2004, <http://www.cia.gov/cia/publications/factbook/>, accessed on 30 July 2004.

internationally assured particular legal autonomy and position within the People's Republic of China.

The situation of Overseas Countries, Possessions and Territories⁴, vestiges of colonial times, is different. These are mainly islands and usually small, and are not considered by the international community to be under occupation. Some are inhabited only by populations who migrated there under colonial rule or afterwards. Most have been possessions of their motherlands since the early days of imperialism and colonialism, and were sometimes later ceded to a legal successor of the original colonial power. They are remote from their metropolitan motherlands, which give them an internationally renowned political framework. Most such Territories are, for diverse reasons, not in a position to claim or are not interested in claiming full sovereignty today, although some could do so under public international law.

Due to their small size or small population, such Territories are not in the international public eye. For example, in 1993, all of the inhabited Overseas Countries and Territories of the member states of the European Union totalled an estimated 876,045 people⁵. For 2004, estimates suggest an overall overseas population of more than 1,200,000⁶, plus another 4,300,000 living in ultra-peripheral regions. These are remote areas that are full member territories of the European Union⁷. Although this data suggests that there has been an important population increase, this has not brought much public awareness.

⁴ In the following, the term Overseas Territories is meant to comprise all administrative types of remote areas other than land-linked or closely situated ones to the mother land.

⁵ The distribution was: Greenland 55,100; Mayotte 94,400; New Caledonia 169,900; French Polynesia 199,000; St-Pierre-et-Miquelon 6,390; Wallis-et-Futuna 13,700; Anguilla 9,000; Cayman Islands 30,000; Falkland Islands 2,000; Montserrat 12,000; Pitcairn 55; St-Helena and dependencies 7,000; Turks and Caicos 2,000; British Virgin Islands 13,000; Aruba 71,200; Netherlands Antilles 191,300. Estimated populations in 1992-93 by Eurostat 1994. A total of 876,045 in the Overseas Countries and Territories (OCT) compared to 350 million inhabitants in the EC of the 12.

⁶ The *CIA World Factbook* 2004 includes the following estimates for July 2004: Greenland 56,384; Mayotte 186,026; New Caledonia 213,679; French Polynesia 266,339; St-Pierre et Miquelon 6,995; Wallis et Futuna 15,880; Anguilla 13,008; Bermuda 64,935; Cayman Islands 43,103; Falkland Islands 2,967; Montserrat 9,245 (plus around 6,000 refugees who have not yet returned to the island after the resumption of volcanic activity in July 1995); Pitcairn 46; St. Helena and dependencies 7,415; Turks and Caicos 19,956; British Virgin Islands 22,187; Aruba 71,218 and Netherlands Antilles 218,126. This totals to a population of 1,217,509. The Faroe Islands, constituent part of the Kingdom of Denmark, are not an OCT under European law, but still account for another 46,662 people. *CIA World Factbook* 2004, cf. fn. 3.

⁷ Reunion 766,153; French Guyane 191,309; Guadeloupe 444,515; Martinique 429,510 (estimated population in July 2004, *CIA World Factbook* 2004, cf. fn. 3); Azores 241,763; Madeira 245,011 (data for 2001, National Statistical Institute of Portugal, www.ine.pt, accessed on 30 July 2004);

Research on legal, management, political, geographical or interdisciplinary matters has not covered them in depth due to their remoteness. As scholars in the motherlands rarely work on the dependent Territories, there is almost no comparative research. There seems to be no comparative study of different Overseas Territory policies, or of a best practice for small island disaster preparedness.

Due to the lack of academic institutions in the Territories, academics there usually study only few aspects of local life. So it is no surprise that the most extensive scientific discourse relating to the Overseas Territories concerns flora and fauna, and natural science in general. Besides Puerto Rico, with its seven mainly vocationally orientated academies, there are universities in the French Antilles, Reunion, Tahiti and New Caledonia, and in the American Virgin Islands and Guam; there is one higher education institute in Greenland as well. Some Territories in the South Pacific region have access to the services of the University of the South Pacific, USP, with campuses in Fiji, Vanuatu, and the Solomon Islands. USP is based on an international organization. There seems to be no academic institution in the British Overseas Territories, a fact that must be seen in the context of the United Kingdom's semi-private academic system.

Disaster Preparedness

What happens in Overseas Territories when a disaster occurs? Who is responsible? Is it the populations themselves, the local or regional administrations or the central institutions in Brasilia, Canberra, Copenhagen, London, Paris, Pretoria, Santiago, The Hague or Washington? And, for effective and efficient relief, are there structures of alert and response? If there are structures of emergency management, are these applied to the particularity and remoteness, to the special needs of small non-urbanized populations, like those in many of the Overseas Territories? Do structures of disaster preparedness follow up-to-date managerial methods and do they take into consideration the continuum debate or the Linking Relief, Rehabilitation and Development (LRRD) approach? Do the Overseas Territories or their populations have a legal claim to assistance from their motherlands? Is the central state liable for damages incurred due to bad management or neglected disaster relief?

Canary Islands 1,870,579; Ceuta 76,152 and Melilla 69,184 (data for 2003, oral communication from the Spanish Embassy to Germany). Although the sources offer data for different years, these numbers suggest that there are about 4,334,176 inhabitants in the ultra-peripheral regions (UPR) of the EU.

Finally, in this context the question must be raised as to whether there is such a concept as partial sovereignty in external affairs. The specific status of the Cook Islands is a good model for studying new paths of participation in the international community that have already been taken. How could maintaining international relations in the geopolitical neighbourhood help Overseas Territories to improve their disaster preparedness?

Jürgen Osterhammel⁸ considers 40 territories as forming the category of post-colonial Overseas Territories. The list can easily be expanded to a total of around 80 territories that should be examined in a study of Overseas Territories, of which about 40 are inhabited and count for the classical metropolises, mainlands and former colonial powers in Europe and the US. The Pacific regional powers Australia and New Zealand and the countries with their – at first glance – more original dependencies possess another 40 territories with local populations.

The following list of possible Overseas Territories demonstrates the plurality among these relicts from colonial times:

<i>European Union member states:</i>	
<i>Ultra-Peripheral Regions (UPRs) :</i>	
French Republic	Départements d'Outre-Mer (DOM) : Guadeloupe et dépendances (Saint-Martin etc), Martinique, Guyane française (continental non-insular), La Réunion
Kingdom of Spain	Islas Canarias, Ciudad Autónoma de Ceuta (continental non-insular), Ciudad Autónoma de Melilla (continental non-insular)
Portuguese Republic	regioes autonomas: Região Autonoma Madeira, Região Autonoma dos Açores
<i>Overseas Countries and Territories (OCTs)⁹:</i>	
Kingdom of Denmark	Kallit Nunaat (Greenland; member region of the EC until 1985)
French Republic	Collectivités territoriales : Mayotte, Saint-Pierre et Miquelon ;Territoires d'Outre-Mer (TOM) : Nouvelles Calédonie et dépendances, Polynésie française (Ile Clipperton incluse), Wallis et Futuna, Terres australes et antarctiques françaises (French claim on Adélie Land in Antarctica disputed)

⁸ Osterhammel, Jürgen: *Kolonialismus; Geschichte, Formen, Folgen*, München 1995.

⁹ Original legal source: EC Treaty part IV, Association of the Overseas Countries and Territories, articles 182 – 188 (former 131 –136a); list of OCT in Annex II to EC Treaty part IV. See Council Decision 91/482/EC.

United Kingdom	Anguilla, Bermuda, British Antarctic Territory (disputed), British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands (claimed by Argentina, therefore disputed), Montserrat, Pitcairn Islands, Saint Helena and Dependencies (Tristan da Cunha, Ascension), South Georgia and South Sandwich Islands (claimed by Argentina, therefore disputed), Turks and Caicos Islands
Kingdom of the Netherlands	Aruba, Netherlands Antilles (Curaçao, Bonaire, Saba, Sint Maarten, Sint Eustache)
<i>European, basically extra EU :</i>	
Kingdom of Denmark	Faeroe Islands
Republic of Finland	Åland (autonomy; special relationship with, but part of the EU)
Kingdom of Norway	Svalbard ¹⁰ (and Bear Island), Dronning Maud Land with Peter Island (claimed but disputed), Bouvet Island, Jan Mayen ¹¹
United Kingdom	Gibraltar (continental non-insular; Gibraltar in fact is quasi-member territory of the European Communities under particular arrangement ¹²); Channel Islands: Guernsey, Jersey (including Alderney, Sark etc), Isle of Man (Crown Dependencies)
United States of America	Hawai'i (State of the USA); Puerto Rico; Territories: American Samoa (including Swains Island and Rose Island), Guam, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands; Freely associated States: the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau ¹³ ; Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, Wake Island; in addition, the status of certain camps of the armed forces has to be considered (e.g. Guantanamo Bay, Diego Garcia)
Republic of South Africa	Prince Edward Islands (Marion Island and Prince Edward Island)
Commonwealth of Australia	Lord Howe Island and Macquarie Island; Ashmore and Cartier Islands, Christmas Island, Cocos (Keeling) Islands, Coral Sea Islands, Heard Island and McDonald Islands, Norfolk Island, Australian Antarctic Territory (disputed)

¹⁰ Sovereignty of the Kingdom of Norway with the Sysselmannen's governing authority in effect since the Treaty of Spitsbergen in 1920, solemn declaration of incorporation by *King Haakon* on 25 August 1925.

¹¹ The other Norwegian Overseas Territories are not part of the Kingdom of Norway as of § 1 Constitution of the Kingdom of Norway.

¹² Limited Circulation by the Secretary General of the Council of the European Union of 19 April 2000, 7998/00.

¹³ The freely associated states are UN members. Their defence and, to a certain extent, their external relations are under the responsibility of the US.

New Zealand	Antipodes Islands, Auckland Islands, Bounty Islands, Campbell Island, Chatham Islands, Kermadec Islands; Associated States: Cook Islands, Niue, Tokelau; Ross Dependency (New Zealand Antarctic Territory, disputed)
Federative Republic of Brazil	Arquipelago de Fernando de Noronha, Atol das Rocas, Ilha da Trindade, Ilhas Martin Vaz, Penedos de São Pedro e São Paulo
Republic of Chile	Islas Desventurados (San Félix, San Ambrosia), Islas Juan Fernández (with Isla Alexander Selkirk and Isla Robinson Crusoe); Isla de Pascua, Isla Sala y Gomez ; claimed Chilean Antarctic Territory (part of the British Antarctic Territory, at the same time Argentinian claim, disputed)
Republic of Colombia	Isla de Malpelo, Roncador Cay, Serrana Bank, Serranilla Bank, San Andrés and Providencia (claimed by Honduras)
Republic of Ecuador	Islas Galápagos
United Mexican States	Islas Revilla Gigedo, Guadalupe
Argentine Republic	Tierra del Fuego - Antartida e Islas del Atlantico Sur (the claimed Argentinian Antarctic Territory is part of the Chilean and British Antarctic Territory, disputed)
Republic of Costa Rica	Isla del Coco
Republic of Honduras	Islas de la Bahía including Swan Islands
Republic of India	Amongst the seven Union Territories ¹⁴ : Andaman and Nicobar Islands, Lakshadweep
Japan	Ogasawara-gunto (Bonin Islands), Minami-tori-shima (Marcus Island), Kazan-retto (Volcano Islands), Daito-shoto, Okino-tori-shima (Parece Vela); Ryukyu Islands (Nansei-shoto) and Senkaku-shoto (Senkaku Islands/Diaoyu Tai, claimed by Taiwan and PR China)
Republic of Yemen	Socotra
People's Republic of China	Spratly Islands (disputed with Malaysia, Philippines, Taiwan, Vietnam, possibly Brunei), Paracel Islands (disputed with Taiwan and Vietnam)

This list is based on a concept of Overseas Territories which encompasses more than just non-self-governing territories. Following 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 2001¹⁵, there remain only 16 non-self-

¹⁴ Union Territories are subject to direct governance supervision of the Indian federal government; therefore one cannot expect per se statehood of the Union Territories, which is the case for the States of the Republic of India.

¹⁵ United Nations General Assembly: 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 2001, A/56/23, New York 2002. The Declaration on the Granting of Independence to Colonial Countries and Peoples, resolution 1514 (XV), was adopted by the United Nations General Assembly on 14 December 1960.

governing territories today in the category of colonial countries¹⁶. All of these except for Western Sahara are small islands. This list of 16 territories, however, seems to be comprehensive: the Declaration's purpose is decolonization, which is the recognition of the statehood of each of these territories. Being listed within the group of non-self-governing territories has been shown to pave the way to a country's independence¹⁷ or veritable autonomy¹⁸. For the purpose of strengthening a territory's ability to respond to emergency situations, its actual insularity and remoteness must be taken into account.

While the small overall population of all the Overseas Territories together may make it seem easy to neglect disaster preparedness, the horrendous effects of one single disaster are likely to disrupt the very existence of the concerned territory and its people and therefore demand special attention. Their exceptional vulnerability must be accounted for not only by the motherlands, but also by the international community. It is advisable to develop disaster preparedness of Overseas Territories along with the disaster preparedness of small, especially insular micro-states. Both would benefit from cooperation: New contacts could be established between motherlands, their Overseas Territories and insular micro-states. At the same time, Overseas Territories could learn from the experience of insular micro-states – most of which are former colonies. Overseas Territories could consequently take advantage of the better position afforded by statehood – even in times when the classical concept of sovereignty seems to be undermined by wars not covered by modern *ius ad bellum*.

¹⁶ These are American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, the Falklands, Gibraltar, Guam, Montserrat, New Caledonia, Pitcairn, Saint Helena, Tokelau, Turks and Caicos Islands, US Virgin Islands, and Western Sahara. An interesting list of non-self-governing territories from 1946 to 1999 can be found on the UN internet site: <http://www.un.org/Depts/dpi/decolonization/trust2.htm>, accessed on 18 May 2004.

¹⁷ This was the case for the Comoros Islands which had been put on the list in 1972 and gained independence on 6 July 1975.

¹⁸ On 2 December 1986, the General Assembly determined that New Caledonia was a non-self-governing territory. Ever since, New-Caledonia has gained autonomy unknown before under the status of a French Territoire d'Outre-mer.

local government institutions of the same tier of government, such as all municipalities. However, due to vast differences in capacities, resources, and extension of local governments this equal treatment often overtaxes smaller municipalities. Against this background, Ecuador has chosen a different decentralization model. Here, local governments voluntarily conclude so-called 'transfer agreements' with central government agencies, thereby assuming only those attributions they can fulfil according to their own capacities. However, as this article shows, the contractual solution stands in tension with the delineation of clear roles and functions of the different levels of government. In addition, the transfer agreements confront a series of implementation problems, such as inequalities in the bargaining power, which cast doubt on the feasibility of this decentralization model.

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Small island overseas territories and states are highly vulnerable to natural disasters. While independent small island nations have rather easy access to the international community to voice their need for disaster relief, dependent overseas territories must rely primarily on their relationship with the motherland. They are usually not covered by media reports and, therefore, often not in the international public eye. Being small both in size and population in most cases, overseas territories are seldom the subject of research. Some of these overseas territories are non-self-governing.

Both small island states and small island territories often lack quality disaster management. Small island nations can improve their disaster preparedness by means of regional cooperation. When a disaster occurs in overseas territories, these do not always have a legal claim to assistance from their motherlands. Depending on their status under their motherland's national constitutional law, they would do well to engage in regional cooperation, as well. It is necessary to improve the disaster preparedness of both small island developing states (SIDS) and of overseas territories. The improvement of disaster preparedness in overseas territories should be accompanied by a discussion of disaster management in small island states, in order to benefit from resulting synergies.