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**IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES**

Letter dated 10 October 1987 from the Permanent Representative of
France to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a memorandum explaining the position of the French Government on the subject of the General Assembly's consideration at its forty-second session of the question of New Caledonia, especially in the light of the self-determination referendum of 13 September 1987.

I should be grateful if you would have the text of this letter and its annex distributed as an official document of the General Assembly under agenda item 18.

(Signed) Pierre-Louis BLANC

* Reissued for technical reasons.

ANNEX

Memorandum explaining the French Government's position
concerning the question of New Caledonia

At the behest of certain countries in the South Pacific, the Committee on Decolonization has submitted a draft resolution on New Caledonia to the General Assembly. Those who are promoting this text, who refuse to take into account the realities of New Caledonian society, have been trying for over a year, through the United Nations, to prescribe a priori solutions to New Caledonia's problems. They are deliberately ignoring a fundamental fact: the self-determination referendum held on 13 September 1987.

I. Recapitulation of some basic facts about New Caledonia

1. The specific character of New Caledonia is first and foremost the result of the diversity of the groups which history brought together in the island.

It is true that, as in many other countries of the region (for example, Australia and New Zealand), people came from Europe, Asia and the Pacific and were assimilated with the original population. But France, for its part, has always been at pains to safeguard the interests of indigenous peoples and to encourage their development as much as that of others, in contrast to what happened in New Zealand and especially in Australia. Thus, of the island's present population of 145,000, 62,000 (43 per cent) are of Melanesian extraction and 54,000 (37 per cent) of European extraction. To these two groups, the island's largest, must be added the inhabitants of other origins (Polynesians, Wallis Islanders, Indonesians, Vietnamese, Indians, etc.), totalling 29,000 (20 per cent).

2. Thus, there are in New Caledonia human groups of different origins who came to the island - as the Melanesians had also come earlier - attracted by its economic prosperity a/ or its political status. For New Caledonia is not a colonial territory but an integral part of the French Republic, with all the advantages which follow from that status for every one of its inhabitants. It would be fruitless, however, to try to draw arbitrary frontiers between these groups, bound together as they are by a common destiny. The high rate of mixed marriages offers sufficient proof of the long-standing will of the great majority of Caledonians to live together. New Caledonia was never subjected to the policy of "separate development" which has often been the rule elsewhere.

3. In this multi-ethnic society, where the first inhabitants have not, as has occurred elsewhere, been submerged by a massive influx of immigrants, all Caledonians, whatever their origin, are French citizens and as such, enjoy the same civil, political, economic and social rights as all other citizens.

a/ In 1984, New Caledonia's per capita GNP was \$US 7,552, the fourth highest in the region after Australia, French Polynesia and New Zealand.

4. It was in this context of complete political freedom that a pro-independence movement sprang up in New Caledonia, principally among the population of Melanesian origin. This movement is represented, in particular, by the Front de Libération Nationale Kanak et Socialiste (FLNKS).

II. Certain countries of the South Pacific Forum are trying to use the United Nations in order to impose what they regard as a solution upon the inhabitants of New Caledonia despite the fact that the New Caledonians have always rejected it

1. These countries support the pro-independence movement in various ways and, without regard to the real aspirations of the New Caledonian population, take it for granted that the territory must become independent. Of course, they proclaim their loyalty to the principle of self-determination, but in fact they would like to circumvent it in order to achieve their goal.

For instance, they call for an act of self-determination the result of which would be determined in advance by restricting the right to vote on essentially racial grounds. They cloak their true intentions in ambiguous statements invoking, in particular, the primacy of "the innate and active rights of the indigenous population" - which to their mind means only the population of Melanesian origin (cf. the final communiqué of the eighteenth South Pacific Forum, held at Apia on 29 and 30 May 1987).

In order to achieve their objectives, the countries of the Forum requested the General Assembly at its forty-first session to inscribe New Caledonia on the United Nations list of Non-Self-Governing Territories.

2. In a memorandum circulated in November 1986, the French Government stated the reasons for its categorical rejection of the text setting forth the General Assembly's decision to that effect. It should be added that the resolution in question (41/41 A) was by no means a matter of general agreement: almost 44 per cent of the Member States refused to be associated with it, 24 countries voting against and 45 choosing to abstain or not to participate in the voting. This result, with its clear division of votes, was very different from the consensus which is generally the rule within the General Assembly on genuine decolonization issues.

3. In 1987, the matter was brought before the Decolonization Committee. At its meeting of 14 August that Committee adopted a draft resolution which, contrary to the Committee's usual practice and the hopes of its sponsors, did not obtain a consensus.

The reasons which last year led the French Government to oppose resolution 41/41 A adding New Caledonia to the list of Non-Self-Governing Territories remain completely valid. For that reason, France resolutely rejects the draft submitted to the General Assembly this year, which, moreover, unjustifiably criticizes France and completely ignores the decision made by the New Caledonian electorate when it was given an opportunity on 13 September freely to exercise its right to self-determination.

III. The self-determination vote of 13 September 1987 has established the framework within which the New Caledonians wish to organize their future

A. An unexceptionable organization of the vote

1. In the vote of 13 September 1987, the New Caledonians were given an opportunity to make a clear choice between independence and remaining within the French Republic.

The voting took place without the slightest incident and in complete calm. Many representatives of the French and international press, including the South Pacific press, were able to observe the voting on the spot and without any hindrance.

The voting took place in conditions of exemplary regularity. The whole voting operation was directed and supervised by 200 judges. Each polling station was supervised by one of the judges and the results compiled by a commission made up of representatives of the judiciary.

2. Although the pro-independence movements officially called for a boycott of the voting, it should be noted that they nevertheless took care to be involved in one way or another with the polling operation.

The pro-independence LKS (Socialist Kanak Liberation) Party, for example, asked to participate in the official radio and television campaign, and was allocated time far in excess of the percentage of voters it represents and comparable to that allocated to the movements in favour of New Caledonia remaining a part of the French Republic. A fair balance of information was thus ensured concerning both the options presented to the voters.

The pro-independence parties observed the voting process by sending "monitors" into the polling stations.

It should also be recalled, more generally, that before and during the vote and to this day, the movements favouring independence for New Caledonia (FLNKS, LKS) enjoyed and continue to enjoy all the advantages of French democratic law. It should also be borne in mind that the leaders of FLNKS and LKS participate actively in the political institutions of New Caledonia. Most of them are the elected representatives of the territory's local communities and enjoy all the privileges attached to their office, including remuneration from public funds.

The leaders and active members of these movements, as citizens of the French Republic, enjoy full civil, political, economic and social rights: freedom of movement inside and outside the territory, freedom to promote their ideas through political parties and trade unions, freedom of speech, freedom of assembly and access to public opinion (among other things, the independence movement has its own newspaper and radio station), the opportunity to establish various forms of contact with foreign Governments, etc.

It would therefore be false to claim that the voters of New Caledonia were confronted too suddenly with the fundamental choice they were offered. The proponents of independence had plenty of time to become organized. They participate in the local political process and have every means of advocating their views within the framework of democratic elections.

3. Lastly, since the vote of 13 September 1987 constituted a self-determination vote different from the usual elections, the electorate was redefined so as to exclude temporary residents or too-recently registered voters.

Only voters registered to vote and resident in New Caledonia for more than three years were allowed to take part in the voting. That decision had the effect of excluding 6 per cent of the registered voters.

B. Clear and conclusive results

In the light of what has been said above, the results of the vote are particularly significant.

1. An overwhelming majority of the voters (98.3 per cent) voted in favour of keeping New Caledonia within the French Republic. Some 1.7 per cent voted in favour of independence.

2. 59.1 per cent of the eligible voters participated in the voting.

This figure is particularly revealing in view of the boycott instructions issued by the pro-independence movements. It should be compared with the rate of participation in previous votes, when these movements had also called for a boycott (49.57 per cent in the 1984 regional elections, 51.38 per cent in the 1986 legislative elections).

3. The proportion of registered voters who voted in favour of staying within the French Republic is also worth emphasizing:

Some 57.17 per cent of the registered voters, or almost 6 New Caledonians out of 10, chose that option on 13 September 1987.

4. These elementary facts serve to correct some of the fallacious statements by the Forum countries.

- It is absurd and dishonest to claim that an abstention rate of 40.9 per cent reflects a boycott in the same proportion, unless all the chronic abstainers are regarded as being in the pro-independence camp. Indeed, this rate can only be compared to the usual abstention rate in New Caledonia - i.e., in a democratic system where voting is not compulsory - which is generally over 30 per cent.

- Likewise, any attempt to evaluate the "Melanesian vote" is highly risky: First, because voters and abstainers are not enumerated on an ethnic basis, which

is inadmissible under French law; and secondly, because ethnic origin does not necessarily reflect political beliefs, as shown by the election results in regions with a large Melanesian majority and by the origins of many New Caledonian politicians (for example, Senator D. Ukeiwe and Mr. Nenou, one of the two Deputies who represent the territory, are of Melanesian extraction and both are in favour of having New Caledonia remain within the French Republic).

C. The self-determination referendum complied fully with the principles of the United Nations

1. Contrary to some allegations, the voting was preceded by an intense campaign during which both supporters and opponents of independence were given a fair chance to air their views in the press, on radio, on television and by other means. The campaign was not marred by the slightest instance of intimidation or threat against anyone.

2. The fact that the voting was not observed by the United Nations in no way detracts from its validity, even in the eyes of the United Nations. Indeed, the United Nations observation of a self-determination ballot is not required as a general rule. There is no such requirement in any text and no such request was made by the Organization in the specific case of New Caledonia.

3. The people's choice was expressed "through democratic processes" and "without any distinction as to race, creed or colour", in the words of resolutions 1514 (XV) and 1541 (XV).

The specific definition of the electorate had to satisfy the relevant provisions of the Constitution of the French Republic. It also conforms perfectly to the criteria adopted by the General Assembly of the United Nations.

Generally speaking, in self-determination referendums which have been held under the aegis of the United Nations, the electorate has been defined solely on the basis of residency. In the case of the vote of 13 September, not only was this criterion applied, it was also made even stricter, so as to include only the permanent population, i.e., those truly affected by the future of the territory. Thus, the required length of residence, usually fixed at six months for French elections, was extended to three years, the same as that required in the referendum which led to the independence of Djibouti. At the time, it was accepted by the General Assembly (resolution 31/59) and is actually much longer than the residency requirement in other, comparable acts of self-determination observed by the United Nations.

The idea of reserving the right to vote for a fraction of the population, especially on ethnic grounds, is obviously unacceptable. It would call basic principles into question, such as that of non-discrimination and "one man, one vote". This latter principle was expressly upheld by the General Assembly in the case of Southern Rhodesia, which later became Zimbabwe (resolution 1747 (XVI)) and Fiji (resolutions 1951 (XVIII) and 2068 (XX)).

4. In addition to being blatantly contrary to the principles of the United Nations, the idea of reserving full political rights for only one segment of the New Caledonian population is dangerous. It can lead to violence and instability, as witnessed by certain recent developments in the South Pacific region.

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On 13 September 1987, the inhabitants of New Caledonia answered the fundamental question put to them: to become independent or to remain part of the French Republic.

It is now up to the New Caledonians, within the framework they themselves have chosen, to decide what institutions they wish to establish. The French Government has reiterated its willingness to pursue the dialogue with all concerned, including the pro-independence groups, who, in order to assert their ideas and objectives, continue and, of course, will continue, to have every opportunity for expression and action legally afforded to political movements in a democratic State.

It is in this spirit of conciliation that the French Government made its proposals of 17 September for new institutions which would be open to all political tendencies and guarantee the territory's peaceful development and prosperity in a context of greater autonomy.

In proposing talks on the institutions, the French Government hopes that all sides will participate, with no exceptions. It also intends to encourage modernization and stimulate development for the benefit of all, by implementing, inter alia, an active land policy designed to redistribute available land and by stepping up the unusual effort already under way (in particular, special assistance funds for the development of New Caledonia, in addition to the usual annual appropriations of government funds for the territory).

In short, the aim of the French Government is to respond to the choice the New Caledonians made on 13 September by helping them to build, through dialogue, a peaceful, united future. France intends quite legitimately to determine the pace and modalities of this development, for a clear majority of the New Caledonian people voted freely and unmistakably for that course of action. Therefore, France has no option but to reject interference it considers to be contrary to the Charter.

France cannot accept the positions adopted by certain States which exacerbate divisions in New Caledonia, when, more than ever, calm and unity are what are needed in the territory. It will continue to oppose their meddling and any action that would deprive some inhabitants of the right to express themselves or would negate the choice made by the New Caledonians on 13 September 1987.

For all of the above reasons, the French Government requests Member States to express their disagreement with the draft resolution submitted to the Fourth Committee of the General Assembly.