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

Letter dated 2 October 1987 from the Chargé d'affaires a.i. of the
Permanent Mission of Samoa to the United Nations addressed to
the President of the General Assembly

On behalf of the seven South Pacific Forum countries that are Members of the United Nations - Australia, Fiji, New Zealand, Papua New Guinea, Samoa, Solomon Islands and Vanuatu - I have the honour to bring to your attention recent serious developments in New Caledonia.

We are greatly concerned that a referendum held in New Caledonia on 13 September 1987 was not a free and genuine act of self-determination conducted in accordance with United Nations practices and principles.

As you will recall, New Caledonia was reinscribed on the United Nations list of Non-Self-Governing Territories with the adoption of General Assembly resolution 41/41 A on 2 December 1986. Several obligations inevitably flow from that status.

As a Non-Self-Governing Territory, New Caledonia's progress to self-determination and independence should proceed in accordance with the internationally accepted principles and practices laid down by the United Nations. These principles are set forth in the Charter of the United Nations and in General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960. These procedures have been established in United Nations practice throughout the world, including the South Pacific region. They have proved to be a flexible and successful formula for enabling colonial peoples to exercise their right to self-determination.

The Government of France, the Administering Power concerned, was obligated to transmit to the Secretary-General the information called for under Chapter XI of the Charter and in the related decisions of the General Assembly, as was requested in resolution 41/41 A. It has not yet done so.

The referendum held in New Caledonia on 13 September 1987 did not conform with United Nations principles and procedures for the following reasons:

- (a) It was not conducted in co-operation with the United Nations.
- (b) There were no United Nations observers present in the Territory to monitor the campaign or the referendum.
- (c) There was no prior political education and no real choice.
- (d) The referendum did not offer the full range of options prescribed by United Nations practices and guidelines.
- (e) Instead, voters were required simply to indicate their choice between two bald alternatives. They could say either "I want to accede to independence" or "I want New Caledonia to remain in the French Republic".
- (f) Electors voted in the referendum without having any information whatsoever on the statute of "internal autonomy" that the Government of France had promised it would introduce after the referendum, provided the electorate voted to remain within the French Republic.
- (g) The Administering Power clearly promoted that particular choice. The substantial resources of Government were directed to that end. Furthermore, punitive consequences were implicitly, or more directly, attached to the independence option.

There were other flaws:

- (a) Moves to cull the electoral list of persons who had not voted in elections during the past three years while allowing only limited time for people to protest their exclusion worked against pro-independence supporters who had boycotted previous elections.
- (b) The boycott by the parties favouring independence which include the majority of the indigenous people, meant that a decision to allow proxy voting for up to five other voters, rather than one other voter as in the past, favoured the parties supporting continued association with France.
- (c) The severe restrictions on the pro-independence groups' campaign, on marches and demonstrations and on access to the media meant that the independence viewpoint was not given a fair hearing.
- (d) The voting took place in the presence throughout the Territory of 8,000 French forces.

All this hardly adds up to "perfectly normal democratic conditions", as has been claimed.

Indeed, it seems, regrettably, that old divisions and tensions were exacerbated. The results of the vote proved nothing new and solved none of the old problems of the Territory. Over 40 per cent of the eligible voters did not take part. More than 80 per cent of the indigenous people did not vote.

What the referendum did prove decisively once again was that to find common ground among the communities of New Caledonia will require a less confrontational approach and a resumption and vigorous pursuit of dialogue by the Administering Power. The alienation of the Kanak people from the political process has serious implications for the Territory's future.

To suggest that the referendum has legitimately determined the political future of New Caledonia is an untenable position. This was no "ballot for self-determination", as has been claimed.

We consider that any free and genuine act of self-determination by the peoples of New Caledonia should be held in accordance with established United Nations principles and practices. The South Pacific Forum countries reaffirm the important and continuing role of the United Nations in the decolonization of New Caledonia.

We should be grateful if this letter could be urgently circulated as a document of the General Assembly under agenda item 18.

(Signed) Robin E. G. MAUALA
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