



# General Assembly

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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

### Summary record of the 10th meeting

Held at Headquarters, New York, on Thursday, 27 June 2019, at 3 p.m.

*Chair:* Ms. McGuire ..... (Grenada)

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*The meeting was called to order at 3.10 p.m.*

**Question of French Polynesia** (A/AC.109/2019/7;  
A/AC.109/2019/L.24)

1. **The Chair** drew attention to the working paper prepared by the Secretariat on French Polynesia (A/AC.109/2019/7) and to a draft resolution on the question of French Polynesia (A/AC.109/2019/L.24).

*Hearing of representatives of the  
Non-Self-Governing Territory*

2. **The Chair** said that, in accordance with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and would withdraw after making their statements.

3. **Mr. Raygadas** (Head of the Office for International Affairs, Department of International, European and Pacific Affairs) said that, while French Polynesia had not always been French, the vast majority of French Polynesians did not contest the name of their country. Although a diverse, multi-ethnic people, French Polynesians nevertheless shared the same cultural values and quality of life, and took pride in their plural identities as Polynesians, Pacific Islanders and French and European citizens.

4. Since French Polynesia had been classified as an overseas territory of France in 1946, a status that the people of his country had voted to maintain in a constitutional referendum held in 1958, the Government of France had adopted a series of laws significantly expanding the administrative autonomy of the territory. As a result, French Polynesia governed itself democratically and freely. It did not suffer oppression, and its natural resources were not confiscated by France. Moreover, since the end of nuclear testing in 1996, France had continuously supported its sustainable development, investing 1.5 billion euros in education, communications, health, solidarity and the environment each year, and establishing tax exemption mechanisms to improve social housing, tourism and industry. In May 2019, the Parliament of France had adopted legislation broadening beyond the Pacific region the scope of international organizations in which French Polynesia could hold membership, associate membership or observer status, and explicitly confirming the recognition by the Government of France of its use of French Polynesia to build its nuclear deterrence and national defence capacities.

5. The President of French Polynesia had tasked him with submitting to the Committee a booklet on that country's history prepared by the Assembly of French

Polynesia in order to enhance the Committee's understanding of its progress towards autonomy. French Polynesia was not a colony; it was an autonomous, self-governing country that was part of the French Republic, a situation chosen by a large majority of French Polynesians, as demonstrated by the results of successive local democratic elections. The President of French Polynesia had invited the Committee to visit the country in order to directly assess the reality on the ground and the quality of relations with France, and he was surprised that the invitation had not been mentioned in the draft resolution on French Polynesia.

*Hearing of petitioners*

6. **The Chair** drew attention to aide-memoire 02/19/Add.1 relating to the question of French Polynesia, which contained an additional request for hearing under that item received after the circulation of the initial requests. She took it that the Committee wished to accede to that additional request.

7. *It was so decided.*

8. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

9. **Ms. Tairua** (Union chrétienne des jeunes gens de Polynésie) said that independent scientific reports and the self-governance assessment for French Polynesia conducted in 2013 had shown the challenges faced by Non-Self-Governing Territories as a result of the inadequate progress made towards decolonization. Such expert analyses helped to separate facts from the biased views that legitimized contemporary dependency governance models, including the system of illusory autonomy maintained by proxy colonial representatives in French Polynesia.

10. The lack of progress made since the establishment of the first International Decade for the Eradication of Colonialism called into question the extent of Member States' political will to enable the United Nations to end colonialism. Indeed, the failure to implement the decolonization mandates established by the General Assembly had had the effect of relegating the debate between accommodationists and those who recognized the true nature of contemporary colonialism to a mere difference of opinion, when the goal of that debate was to enable Member States to thoroughly examine the extent of genuine self-government in Non-Self-Governing Territories on the basis of political equality criteria. Encouraged by the reinscription of Ma'ohi Nui on the list of Non-Self-Governing Territories in 2013, she hoped that the United Nations would help the

Territory to become fully self-governing and to achieve equal rights and justice.

11. **Mr. Neuffer**, speaking in his personal capacity as a lawyer in Tahiti, French Polynesia, said that the health and social consequences of the 193 nuclear tests conducted in Ma'ohi Nui (French Polynesia) between 1966 and 1997, which had been equivalent to more than 900 Hiroshima bombs, remained a major challenge. Moreover, the mishandling of the nuclear waste generated by those tests continued to pose a significant danger to Ma'ohi Nui and the entire Pacific region.

12. Since 2013, the General Assembly had adopted a series of resolutions in which it had recognized the consequences of the nuclear tests for the lives and health of the people of his country as well as the environment of the region; underscored the link between the effects of those tests and the work of the United Nations Scientific Committee on the Effects of Atomic Radiation; and taken note of the reports of the Secretary-General on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing, and had requested him to provide continuous updates in that regard.

13. In 2010, the Government of France had adopted a law on the compensation of the victims of the nuclear tests with a provision indicating that those tests had posed a negligible risk. As a result, only a handful of the hundreds of claims submitted by victims had been approved, despite the disproportionate rates of thyroid cancer and leukaemia in his country. In response to public opposition, the National Assembly of France had voted to remove the reference to negligible risk in 2017, only to reintroduce it in 2018. He was disappointed that no references to those developments had been included in the draft resolution on the question of French Polynesia and that the findings of important research conducted by United Nations entities had not been reflected in the two reports of the Secretary-General on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing ([A/69/189](#) and [A/72/74](#)). Such omissions misled the people of Ma'ohi Nui and prevented the proper recognition and compensation of victims and their families.

14. **Mr. Pihatae** (Moruroa e Tatou) said that, in successive resolutions, the General Assembly had recognized the alienable rights of the people of French Polynesia to the ownership, control and disposal of their natural resources, including marine resources and undersea minerals, and had urged France, as the administering Power, to ensure the permanent sovereignty of that people over those resources. The deliberate refusal by the administering Power to

participate in the Committee's work, in violation of the Charter of the United Nations, precluded the assessment of that Power's compliance with international law.

15. The continued control by France over the natural resources of Ma'ohi Nui contributed to the disenfranchisement of the islands' people and violated their fundamental right to self-determination, in particular their right to freely determine their own economic, social and cultural development. Moreover, in its recent efforts to develop seabed mining programmes in the Pacific region, France continually asserted sovereignty over the waters of Ma'ohi Nui while failing to obtain the consent of the communities most likely to be affected by the programmes. The failure to remedy the damage done by the nuclear tests conducted by France constituted a violation of the right of the people of Ma'ohi Nui to benefit from their natural resources and to determine the course of their own economic development. Lastly, military installations and contamination continued to affect the islands' terrestrial and marine resources, contributing to food insecurity and debilitating health and environmental consequences.

16. **Mr. Maraea** (Ma'ohi Protestant Church) said that, in October 2018, the former President of Ma'ohi Nui had filed a complaint with the International Criminal Court for crimes against humanity as a result of 30 years of nuclear testing in the Pacific. Later that year, the Ma'ohi Protestant Church had submitted a related complaint to the Human Rights Council. Noting that the working paper on Ma'ohi Nui contained only cursory references to those complaints, while the related draft resolution contained no such references, he wished to know whether the United Nations considered such developments unworthy of its consideration, or whether it was being privately subjected to pressure from the administering Power to censor those references. The people of Ma'ohi Nui would pay close attention to how the Organization handled such covert tactics in the future.

17. During his 2017 presidential campaign, Emmanuel Macron had stated that colonization was a barbarous crime against humanity. However, the actions taken by France under his presidency had been entirely inconsistent with that statement and ran counter to Article 73 of the Charter of the United Nations. Indeed, Macron had made every effort to ignore the colonial situation of Ma'ohi Nui by persecuting those that had bravely opposed that situation. In particular, the revision of the autonomy statute of Ma'ohi Nui to include language suggesting that the islands had positively contributed to the nuclear programme of France constituted an outrageous misinterpretation of the

suffering to which the people of Ma'ohi Nui had been subjected. The Ma'ohi Protestant Church was nevertheless pleased that the paragraph containing the request to the Secretary-General to provide continuous updates on the impact of nuclear testing had been reinstated in the current draft resolution on Ma'ohi Nui. He hoped that future updates in that regard would be more extensive than those provided in the previous reports on the matter.

18. **Mr. Tuheiva** (Tavini Huiraatira) said that the Assembly had adopted repeated resolutions calling for specific actions to advance the decolonization of Ma'ohi Nui, affirming the inalienable rights of the people to self-determination and independence, and recognizing that Ma'ohi Nui remained a Non-Self-Governing Territory within the meaning of the Charter of the United Nations. The political status of Ma'ohi Nui had remained unchanged since 2013, despite the cosmetic adjustments made unilaterally by the Government of France to the islands' so-called "autonomy" statutes in order to avoid a genuine self-determination process.

19. The continued refusal by the administering Power to cooperate with the United Nations in its work on Ma'ohi Nui was no longer a viable rationale for the Organization's failure to fulfil its decolonization mandate. The Committee should therefore consider strengthening the wording of the requests for the administering Power to submit information on French Polynesia under Article 73 of the Charter, in order to reflect the severity of the administering Power's violations of its international legal obligations.

20. Since the reinscription of Ma'ohi Nui on the list of Non-Self-Governing Territories in 2013, there had been repeated requests for the development of a programme of work for its decolonization. His organization had prepared an updated outline for such a programme of work and would submit it to the Committee in due course. He was pleased that the request to the Secretary-General to provide continuous updates on the impact of nuclear testing had been reinstated in the current draft resolution on Ma'ohi Nui, after its inexplicable removal from the 2018 draft resolution. He also hoped that future updates in that regard would be more extensive than those provided in the previous reports on the matter, and would draw on a broader range of publicly available information, including the complaints cited by the representative of the Ma'ohi Protestant Church.

21. **Mr. Bhagwan** (Pacific Conference of Churches) said that, although 20 years had passed since the adoption of General Assembly resolution 54/91, in which the Assembly had called upon administering Powers to cooperate with the Committee to develop a

constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of the Committee's mandate and the relevant resolutions of the United Nations, including resolutions on specific Territories, the United Nations system had failed to carry out even the most basic actions mandated in those resolutions. It was furthermore unclear why United Nations regular budget resources had never been allocated for the development of such programmes of work or for other long-mandated research and analysis. Adequate political will must be fostered to ensure that the regular budget accurately reflected such requirements.

22. In conjunction with the independent self-governance assessment conducted in 2013, a programme of work for the decolonization of Ma'ohi Nui would enable Member States to gain insight into the actual situation in the Territory, paving the way for a genuine self-determination process. The General Assembly resolutions mandating the development of such programmes of work had been misconstrued as indicating that the cooperation of administering Powers was required from the outset of that process. Indeed, such a requirement would effectively give France veto power over the initiation of programmes of work for Ma'ohi Nui, as the Government of France continued not to recognize the reinscription of the Territory on the list of Non-Self-Governing Territories, in violation of the Charter of the United Nations. He was concerned that the Committee was informally facilitating the administering Power's lack of engagement in its work on Ma'ohi Nui and emphasized that a programme of work for the Territory could be developed with or without the cooperation of France. The absence of such a programme of work had created a vacuum of information that had been exploited by self-described "democratic" political authorities in Ma'ohi Nui to justify their version of benevolent colonialism.

#### **Question of New Caledonia (A/AC.109/2019/11; A/AC.109/2019/L.22)**

23. **The Chair** drew attention to the working paper prepared by the Secretariat on New Caledonia (A/AC.109/2019/11) and to a draft resolution on the question of New Caledonia (A/AC.109/2019/L.22).

#### *Hearing of petitioners*

24. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

25. **Mr. Wamytan** (President of the Congress of New Caledonia) said that, in the referendum held on 4 November 2018, 43 per cent of voters had voted in favour of independence, including the vast majority of eligible Kanak voters. In the congressional elections held in May 2019, pro-independence parties had won a majority of seats. Consequently, for the first time in history, a majority of the members of the Congress of New Caledonia were pro-independence and of Pacific Island origin, indicating the desire of the Pacific Islanders of New Caledonia to build a country that reflected their values and culture.

26. The new legislative term beginning in 2019 coincided with the final phase of the transfer of non-sovereign powers from France to New Caledonia under the Nouméa Accord. During that term, efforts must be made to consolidate the progress made in promoting education and health sector reform, empowering Kanak youth and modernizing the economy. Advancements in those and other areas would serve as a barometer of the progress achieved towards the emancipation of the people of New Caledonia, and would enable them to make informed decisions in the next two referendums on the accession to full sovereignty.

27. He was concerned at the ongoing difficulties in establishing the special electoral rolls for the second referendum to be held by November 2020 and for the election of members of the provincial assemblies. Specifically, 2,865 Kanaks with customary civil status eligible for automatic inclusion on the general electoral roll had not been automatically included. Furthermore, many Kanaks that had been included on the general electoral roll, a prerequisite for inclusion on the special electoral roll for the referendum, had not been automatically included on that special electoral roll, despite meeting the relevant criteria. Voting by proxy also remained a challenge. In addition, 4,066 Kanaks remained on the supplementary roll of persons not eligible to vote in elections of members of the provincial assemblies.

28. All the recommendations from the reports of the visiting missions and electoral observer missions should be implemented in preparation for the second referendum. The Kanak people, and the people of New Caledonia more broadly, must be able to exercise their right to self-determination by participating in a genuine, fair and transparent referendum on accession to full sovereignty, in fulfilment of the Matignon Accords and the Nouméa Accord. In that regard, the special electorates for the referendum and for the elections of members of the provincial assemblies must remain as established under previous agreements.

29. The continued uncontrolled immigration from France to New Caledonia ran counter to the Matignon Accords and the Charter of the United Nations. Many immigrants claimed New Caledonian citizenship and the right to vote on the sole grounds that they paid taxes in New Caledonia. If immigration was not adequately controlled, New Caledonian university students within the country and abroad would be unable to secure jobs in their country after they completed their studies and would be forced to seek employment elsewhere.

30. **Mr. Forrest** (Front de libération nationale kanak et socialiste (FLNKS)) said that 81.01 per cent of eligible voters had participated in the referendum of 4 November 2018, 43.33 per cent of whom had voted in favour of accession to full sovereignty. Those results nevertheless indicated that the Kanak people had, for the moment, accepted their fate as victims of history, unwilling to participate in the project of building their country and susceptible to the fear of the future stoked by those against independence. That fear had been perpetuated by the administering Power, as demonstrated by the targeting of Kanak youth by police. Moreover, the Government of France had repeatedly shown that it was in favour of maintaining the colonial situation, making meaningful dialogue with stakeholders impossible.

31. Nevertheless, more than 80 per cent of eligible Kanak voters, in addition to a considerable number of citizens of European, Polynesian and Asian origin, had voted in favour of accession to full sovereignty. FLNKS strived to establish a free and democratic State in preparation for the second referendum envisaged in the Nouméa Accord, which would also provide an opportunity to ensure justice for the thousands of Kanaks that had been unable to vote in the previous referendum. Despite attempts by its opponents to rush the process for the second referendum in hopes of achieving another victory, his party would strictly follow the Nouméa Accord and would work to convince undecided voters to vote in favour of independence in order to obtain the additional 8 per cent of votes needed. It would be unfortunate if the willingness of the Kanak people to compromise and participate in the settlement policy of the administering Power resulted in another loss for his party and for the native people of Kanaky/New Caledonia. The Kanak people must not allow their independence to be stolen from them.

32. The administering Power must establish a platform for future diplomatic cooperation with Kanaky/New Caledonia as it moved towards full sovereignty. Kanaky/New Caledonia must in turn draw up economic partnership arrangements with industrial Powers, including France, as part of the emancipation

process. Furthermore, in view of the General Assembly resolutions on economic activities in Non-Self-Governing Territories, FLNKS requested that the mining and metallurgy company Eramet, owned by the administering Power, transfer to Kanaky/New Caledonia the profits that it had made from activities related to the mining of nickel in the islands. He hoped that the Committee would support diplomatic cooperation between France and FLNKS as a complement to the referendum process, and looked forward to the Committee's continued support for that process. Decolonization must remain a priority of the United Nations.

*Draft resolution A/AC.109/2019/L.22: Question of New Caledonia*

33. **Mr. Rai** (Papua New Guinea), speaking on behalf of the Melanesian Spearhead Group and introducing the draft resolution on behalf of that Group and FLNKS, said that the Group was committed to working with the Government of the newly elected President of the Territorial Government of New Caledonia to see the Territory's unfinished self-determination process through to fruition. In that connection, Melanesian Spearhead Group leaders had adopted the 2018 Action Plan of Support to FLNKS in February 2018. The plan encompassed enhanced capacity building and leadership training for Kanaks in member countries of the Group.

34. With the self-determination process in New Caledonia in a critical phase, he called for full respect of the Nouméa Accord, the Charter of the United Nations and all relevant General Assembly resolutions. He welcomed the ongoing constructive partnership with and engagement of the administering Power in that process.

35. While key elements of the draft resolution remained intact, the new version had been drafted following the peaceful and successful conduct of a self-determination referendum in New Caledonia in November 2018 and a provincial election in May 2019. The political milestones were the culmination of the concerted efforts of all stakeholders in New Caledonia, France and the Committee. The outcome of the referendum had favoured the status quo but also revealed a noteworthy groundswell of support for independence, indicating that much more remained to be done.

36. The resolution recognized the importance of the self-determination road map provided for the Territory under the Nouméa Accord, including subsequent referendums in 2020 and 2022. In that spirit, he called on all stakeholders to ensure that the next steps of the

self-determination process were just, fair, transparent and inclusive of the aspirations of all New Caledonians.

37. The resolution also underscored the critical importance of the electoral list for the self-determination referendum and municipal and provincial elections; while significant progress had been made in recent years, much more work was needed to enhance the transparency, fairness, credibility and integrity of the list.

38. The administering Power had reported a turnout of 81.01 per cent of voters, or 141,099 of 174,165 voters registered in 284 polling stations. Invalid ballots aside, he would like to know what had happened to the remaining 19 per cent of voters, a significant proportion that had not been accounted for. Moreover, it would be necessary to remedy immediately a number of irregularities of significant concern during the 2018 referendum. Qualified voters, including young Kanak students outside the Territory and prisoners, had been unable to vote under the proxy voting arrangement. Poor information dissemination on and delays in registration in decentralized polling stations had prevented qualified voters from casting their votes. Many Kanaks with customary status and Kanak voters on the general list had been denied automatic registration and thus also prevented from exercising their right to vote. The Control Commission and the High Commissioner's Emergency Call Centre, ill-prepared and overwhelmed, had been unable to register at the polling stations many qualified voters who had been omitted from the electoral list owing to administrative errors. In addition, the administering Power and the relevant authorities must take immediate action to resolve the situation of the 4,066 Kanaks recorded in the electoral annex table of the electoral list for provincial elections who were prevented from voting in the provincial elections.

39. It was vital to enable the people of New Caledonia to understand fully the future political status that they would be choosing, and that mission figured prominently in the draft resolution. Ahead of the next two referendums under the Nouméa Accord, the importance of strengthened, timely and sustained education on the self-determination process could not be overstated, as evidenced by the impressive turnout of the 2018 referendum.

40. The Group remained concerned about the persistent barriers to access to employment and basic services encountered by certain ethnic groups in New Caledonia, particularly Kanaks and other less affluent, marginalized communities. Against the backdrop of global efforts to implement the 2030 Agenda, with its emphasis on leaving no one behind, the administering



Power and the relevant authorities should ramp up efforts to reduce socioeconomic inequalities in the Territory, including by strengthening the existing Cadres for the Future programme and the economic and social rebalancing initiatives undertaken by the administering Power. Lastly, the draft resolution reiterated the need to respect and transfer competencies from the administering Power to New Caledonia in a timely manner, in order to enable the Territorial Government to exercise its powers to the benefit of its people and Territory. The draft resolution was balanced and representative of all relevant stakeholders, and the Group hoped that it would be adopted by consensus.

41. **Mr. Prasad** (Fiji) said that he wished to stress the need to remedy the deficiencies that had been identified in the electoral process and preparation in the lead-up to the 2018 referendum. To that end, he enjoined the administering Power and the Territorial authorities to overcome those deficiencies, which had been acknowledged by all parties, and called upon the United Nations to provide the technical capacities and any other support needed in the preparation for the 2020 and 2022 referendums.

*The meeting rose at 4.30 p.m.*