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Chair: Mr. Al Hassan (Oman)

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

Agenda item 55: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) ([A/77/23](#), [A/77/66](#) and [A/77/506](#))

Hearing of representatives of Non-Self-Governing Territories and petitioners

1. **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 petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

Question of French Polynesia ([A/C.4/77/6](#) and [A/C.4/77/6/Rev.1](#))

2. **Mr. Temeharo** (Minister of Public Works and Land Transport of French Polynesia) said that his country had been participating in the work 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 since 2017, and had shown that French Polynesia was no longer a colony. French Polynesia had enjoyed autonomous status since 1977; it controlled its own economic, social, cultural and identity-related development. It had a flag, an anthem and a Government, and the Polynesian languages were officially used in the discussions of the Assembly of French Polynesia and taught in Polynesian schools. The islands' population was peaceful, with indigenous Ma'ohi people, who accounted for 80 per cent of the population, living in harmony with people of European, Asian and other descent. The Government of French Polynesia was responsible for the economy, taxation, education, land ownership, health care and culture, and it managed the country's natural resources and exclusive economic zone of 5.5 million km². The country's status was not fixed, but could be adapted – for instance to allow it to gain accession to intergovernmental forums, as it had joined the Pacific Islands Forum. Its strong economic, technological and security partnership with France facilitated its development. That partnership had seen it through the coronavirus disease (COVID-19) pandemic: France had supplied vaccines, equipment and more than 200 skilled health workers, and had helped mobilize approximately \$1 billion to combat the pandemic. Two loans of \$680 million, guaranteed by the French State, had been granted.

3. Various studies had shown that the French Polynesian seabed was rich in various resources,

including cobalt deposits. In order to protect the country's ocean and support sustainable fishing for French Polynesians, his Government had proposed to the Assembly of French Polynesia a 30-year moratorium on all seabed mining. In line with the United Nations Decade of Ocean Science for Sustainable Development and pursuant to the commitments it had made at the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, French Polynesia was keen to deepen its scientific knowledge about its seabed with a view to enhancing protection of its oceans. French Polynesia had full sovereignty over its exclusive economic zone and, with the logistical support of France, had the capacity to monitor its territory.

4. With regard to the nuclear tests, French Polynesia and France were working together in a process which had received greater attention since the 2021 visit to the islands by the President of France, Emmanuel Macron. In the country's amended autonomy statute of 2019, France had acknowledged its nuclear testing, and it was now legally obliged to make economic, social, environmental and health-related reparations. The commitments made by Mr. Macron regarding the opening of archives, the facilitation of reparations and consideration of claims, the inclusion of the nuclear tests in school curricula and the construction of a memorial centre, were all being fulfilled.

5. For some 40 years, political divisions had existed between those who supported autonomy in partnership with France and the independentists, who advocated complete separation. In May 2018, the autonomist parties had won the elections. The Pacific Islands Forum had sent a team of electoral observers, who had attested to the transparency and rigour of the democratic process. Autonomy under the auspices of France was the model chosen by the majority of the population, who lived in peace, stability and prosperity – although, of course, much remained to be done to create jobs, fight inequality and provide dignity for the most vulnerable members of the population.

6. As in many countries, COVID-19 and the overall increase in prices had forced his Government to make some unpopular decisions, such as introducing a value-added tax to protect its social care system and making vaccination mandatory to protect its most vulnerable citizens. Such necessary measures had pushed the people to elect only independentists to the French Parliament. That outcome did not, however, reflect an ideological change in the views of the majority of French Polynesians. General territorial elections were to

be held in March 2023. The people were unlikely to change their choice, which was surely why so many independentist petitioners were present in the room, opportunistically seeking an external political solution. His party would, in any event, respect the people's choice. Anyone who doubted his account was welcome to visit the islands and witness the economic and social realities at first hand.

7. **Mr. Yadav** (Vanuatu) said that for years petitioners had requested a case-by-case work programme for Ma'ohi Nui/French Polynesia, a mechanism which the General Assembly had adopted for the Non-Self-Governing Territories since the 1990s. From the statements that had already been delivered, it was clear that the United Nations system had not responded to the requests to establish such a programme for French Polynesia. He would be grateful for any comments regarding the importance of such a programme for the decolonization of Ma'ohi Nui/French Polynesia.

8. **The Chair** said that an answer would be provided in due course.

9. **Mr. Bhagwan** (Pacific Conference of Churches) said that, as the tenth anniversary of the General Assembly's reinscription of Ma'ohi Nui/French Polynesia on the list of Non-Self-Governing Territories approached, a genuine decolonization process was long overdue. In December 1999, the General Assembly had directed the Special Committee to develop a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories in order to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions of the United Nations, including resolutions on specific Territories. Over the following 23 years, the General Assembly had repeatedly asked the Special Committee to develop such a programme, to no avail. It was deeply disappointing that the United Nations system had not implemented such a critical element of its decolonization mandate. Moreover, it was unclear why resources for the work programmes and related research and analysis had never been included in the United Nations budget. Funding was not the primary concern, as it was unlikely that a work programme would entail significant programme budget implications: more troubling was the absence of political will on the part of Member States. Fortunately, independent analysis had compensated for the failure of the United Nations to conduct sufficient research of its own. Nevertheless, the Organization's inactivity must end, and work programmes must be established if the decolonization process was to remain credible.

10. **Mr. Tuheiva** (Assembly of French Polynesia) said that since the reinscription of Ma'ohi Nui/French Polynesia on the United Nations list of Non-Self-Governing Territories, there had been repeated requests for the initiation of a case-by-case work programme for the Territory. The representative of the Territory had failed to address that issue. A work programme would provide Member States with valuable insight into the actual situation in the Territory and, coupled with the independent self-governance assessment which had already been recognized by the General Assembly, would serve to separate opinion from fact in relation to its prevailing colonial condition. The United Nations should ensure an unbiased self-determination process in accordance with its own resolutions on decolonization. The administering Power must not be permitted to effectively veto the fulfilment of the decolonization mandate, something that would contravene the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. France continued to flout the Charter by refusing to recognize the reinscription of French Polynesia, instead absenting itself whenever the question was considered. It would, however, be possible to develop a work programme without the administering Power's involvement at the outset. The failure to do so enabled the accommodationist Government in Tahiti and the administering Power to advocate behind the scenes for a status quo option, which was not in accordance with the three options for self-government set forth in General Assembly resolution 1541 (XV).

11. **Ms. Cross** (Observer for Civil society) said that France had started intimidating her people in the nineteenth century. Later, in 1958, it had convicted, imprisoned and exiled the French Polynesian parliamentarian Pouvanaa a Oopa, a vocal opponent of nuclear tests on the Polynesian islands— for a crime that it had itself orchestrated. Those machinations had silenced other potential critics, creating the impression that the Ma'ohi people had freely consented to the detonation of 193 nuclear bombs on their islands. Polynesians including her great-grandfather and grandfather had fought for France in the First and Second World Wars; France had responded by bombing their homes, contaminating the lagoons and poisoning her people. For her part, she was battling leukaemia, one of 23 radiation-induced diseases that afflicted generations in French Polynesia as a result of the nuclear tests. In his address to Polynesian leaders on 27 July 2021, President Macron had touted a new chapter in French-Polynesian relations and stated that Polynesians were lucky to be French, something that was clearly not the case.

12. **Mr. Pihaatae** (Pacific Region, World Council of Churches) said that the Ma'ohi people were dying silently as a result of the French nuclear testing. Censuses showed that there had been more than 30,000 unrecorded cancer-related deaths. The diseases would also affect future generations; recent research had shown that all of Ma'ohi Nui/French Polynesia had been contaminated by the nuclear tests. It was difficult to see how the French State, and the Member States of the United Nations, could fail to address that silent genocide. In 2018, the Ma'ohi Protestant Church had submitted a communication to the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. The Church was still awaiting a response.

13. The French army was gradually returning to the waters of French Polynesia. It was clear from President Macron's declaration of ownership of the islands' maritime exclusive zone of 5.5 million km² that the French Government intended to continue to exploit the underwater resources belonging to the Ma'ohi people. France also seemed poised to play a major role in the impending geopolitical tension, posing a risk of regional conflict. Lastly, the climate emergency was already a reality for the peoples of the Pacific.

14. **Mr. Neuffer** (Ma'ohi Protestant Church Education Board) said that despite superficial alterations, the political status of French Polynesia had not changed since its reinscription on the list of Non-Self-Governing Territories. Colonial reform was not decolonization, and French Polynesia remained non-self-governing within the meaning of the Charter of the United Nations. A gross power imbalance persisted, with France retaining absolute authority over virtually all major aspects of governance, including the judicial and education systems. Although the responsibility for education formally lay with the local elected Government, the administering Power ultimately controlled both public and private education, both financially and by imposing curricula. Furthermore, the administering Power unilaterally lowered the high grades achieved by French Polynesian students. In spite of all that, the legitimizers of colonialism who had been installed to govern the islands continued to pretend that Ma'ohi Nui/French Polynesia had experienced what they described as "an evolution of self-governance".

15. **Ms. Tairua** (Ma'ohi Protestant Church Youth Council) said that the Ma'ohi Protestant Church Youth Council was composed of more than 10,000 active members who were deeply concerned about the current decolonization process, which had begun in 2013. The General Assembly had annually reaffirmed the

applicability of the Charter of the United Nations and the Declaration to the Territory of Ma'ohi Nui/French Polynesia. The elaborate system of dependency governance in French Polynesia did not approach any recognized minimum standard of self-governance, but the colonial accommodationist Government had routinely criticized the independent self-governance assessment, whose findings had been endorsed by the General Assembly in successive resolutions.

16. The only way forward was a genuine self-determination process. The United Nations, and in particular the Special Committee and the Fourth Committee, should take tangible steps to uphold the inalienable right of all peoples to self-determination within a multilateral framework. It was time for the administering Power to engage in dialogue aimed at realizing the right of the Ma'ohi people to self-determination and independence. France must facilitate the mandate of the Special Committee, including by approving multilateral mechanisms such as visiting missions.

17. **Mr. Puarai** (Moruroa E Tatou Association) said that his Association represented the veterans of the nuclear testing sites of Moruroa and Fangataufa, as well as the victims of the nuclear testing conducted by France since 2001. Newly declassified information and recent analysis revealed that the testing had had a far greater impact on the health of the people of Ma'ohi Nui than stated in the United Nations reports to date. Some of the effects were described in the book *Toxique: Enquête sur les essais nucléaires français en Polynésie* (Toxic: An Investigation into the French Nuclear Testing in Polynesia), published in 2021. In view of that information, it was high time for the Secretary-General to produce an updated report on environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia.

18. The Association commended the call made by the Pacific Network on Globalisation in 2022 for States parties to the Treaty on the Prohibition of Nuclear Weapons to prioritize addressing the legacy of the nuclear testing on the peoples and environment of the Pacific. Several years earlier, the current President of the Territory had admitted to lying to his people for 30 years by telling them that the nuclear tests were clean. That revelation undermined his credibility, including in relation to his dubious argument that French Polynesia was not a colony. France had carried out the tests, under the threat of military rule, precisely because of the Territory's colonial status, which also explained the failure to hold the administering Power to account for its crimes against humanity. The Ma'ohi people deserved reparations for their widespread, long-term exposure to radiation.

19. **Ms. Tupai Turquem**, speaking in her personal capacity, said that she was the first Polynesian female airline pilot and had been involved in the political evolution of French Polynesia/Ma'ohi Nui since 2008, first as an elected counsellor on the Puna'auia municipal council and later as a representative in the Assembly of French Polynesia. Her family had witnessed the nuclear testing in Moruroa and Fangataufa, and her own grandfather had died of radiation-induced lung cancer. Many Polynesians had worked on the nuclear site, unaware of the consequences for their health. Thanks to their work, France had become a nuclear power.

20. Her family hailed from Makatea island, which, prior to the nuclear testing, had been exploited by a French phosphate company. Phosphate mining had been hugely profitable for the company, but had had disastrous ecological consequences for the island. There should be moratorium on the exploration and exploitation of seabed minerals and resources, which, as the United Nations had recognized in a number of resolutions, belonged exclusively to the people of French Polynesia/Ma'ohi Nui. The Government of France should abandon its empty seat policy and cooperate on a decolonization programme under the auspices of the United Nations.

21. **Ms. Ollivier** (Pharmacie Tautiare, Tahiti), recalling that colonialism by consent was colonialism nevertheless, said that it was not in the interests of the people of French Polynesia to delay the process of self-determination any longer. The United Nations system should focus on implementing the actions called for by the General Assembly in its resolutions on human rights in French Polynesia to give effect to a genuine self-determination process leading to the full measure of self-government – not the present illusion thereof. The General Assembly had consistently affirmed that French Polynesia remained a non-autonomous territory within the meaning of the Charter of the United Nations.

22. By refusing to cooperate, France continued to violate Article 73 of the Charter. The indigenous people of Ma'ohi Nui had been victims of French colonialism for 142 years and of 193 nuclear bombs in the Pacific that would cause health disasters for centuries to come. The people of French Polynesia, who existed as a people and not as a population of France, demanded respect from the Government of France.

23. **Ms. Boosie** (Association 193) said that the nuclear tests conducted by France had discharged the equivalent of more than 800 Hiroshima bombs. The health situation, particularly with regard to cancer rates, was alarming. That sad reality had been confirmed in recent scientific studies, including the research led by

Sébastien Philippe at Princeton University, which had showed that more than 100,000 people had potentially been contaminated in a single test and that the extent of the fallout on the population had been underestimated. Those findings had been confirmed in the specialist publication *Science and Global Security*. Moruroa atoll, which had radioactive material underneath it, could collapse at any moment. That risk was exacerbated by rising sea levels, which could erode the shafts in which 147 devices had been detonated underground. Such was the poisoned legacy left by French colonization to generations of Ma'ohi people, who had been treated as guinea pigs. That situation amounted to a crime against humanity.

24. In 2021, during his visit to Polynesia, President Macron had made a commitment to provide better compensation for families. However, the State had blocked access to compensation by opposing a contamination threshold of 1 millisievert. By doing so, France was neglecting its responsibility for the thousands of people, including children, who had become sick or died. It was high time for independent studies on the intergenerational consequences of the French nuclear tests. More than 55,000 Polynesians had signed a petition launched in 2016 by Association 193, calling for light to be shed on that dark chapter of the country's history and confirming that the Ma'ohi people needed the support of the international community to dare to hope for peace, truth and justice.

25. **Mr. Temaru** (City of Faa'a, Tahiti) said that, in his capacity as the Mayor of the City of Faa'a and the former President of French Polynesia, he had been petitioning the Committee since the 1970s. Since 2013, the administering Power had engaged in a number of manœuvres, including legal, administrative and financial pressure, to counter his actions in favour of the decolonization of his country and the accession of his people to independence and full sovereignty. Since he had filed a complaint before the International Criminal Court in 2018, he had been stripped by a French administrative court of his mandate as an elected Representative within the Assembly of French Polynesia, and in 2021, his personal assets and accounts had been frozen. Since 2020, Radio Tefana had been subjected to prosecutions by the French authorities and had been accused of political proselytism. The City of Faa'a had been embroiled in multiple administrative disputes and discriminatory legal actions. During his time as President, five attempts had been made to disrupt and dissolve his Government. In addition, his family, including his children, had been stigmatized and his life had been threatened on more than one occasion.

26. Instead of practising an empty seat policy, France should comply with General Assembly resolution [67/265](#), produce the long-awaited report on the environmental, economic and health consequences of the 193 nuclear tests that it had conducted between 1966 and 1996, and resume its participation in the work of the Special Committee and the Fourth Committee. There could be no true democracy in a territory where democracy was managed by another country.

27. **Mr. Geros** (Tavini Huiraatira party) said that, nine years after Ma'ohi Nui/French Polynesia had been reinstated on the list of countries to be decolonized, the administering Power had yet to open dialogue with a view to the organization of a self-determination referendum. Instead, the administering Power had mandated the puppet President of Ma'ohi Nui/French Polynesia to come before the Committee to state that all Polynesians in Polynesia wanted to remain French.

28. In the elections held in June 2022, the Tavini Huiraatira party had won the three seats available and therefore represented Ma'ohi Nui/French Polynesia in the National Assembly of the French Republic. In view of that democratic victory, France should abandon its empty seat policy and immediately start the dialogue on the decolonization of Ma'ohi Nui/French Polynesia.

29. The formalization of a genuine programme of work for Ma'ohi Nui/French Polynesia would be the most effective approach to launch the process of self-determination, rather than the version of "benevolent colonialism" that the puppet Government of Ma'ohi Nui/French Polynesia proposed to legitimize. The programme would be divided into five stages and should lead to an act of self-determination, which would provide for the choice of a legitimate political status, followed by the transition to the full measure of self-government. That process must be carried out under the auspices of the United Nations in order to avoid any risk of conflict of interest that would benefit the administering Power. He urged the members the Committee to include a request for such a programme of work in its resolution.

30. **Ms. Cross** (City of Teva I Uta, Tahiti) said that, since 2013, the Committee had been advised of the illegitimate electoral system unilaterally imposed by France on the territory of French Polynesia, which had been set up to favour the pro-autonomy current over those who were pro-independence.

31. An inspection mission, dispatched by the Pacific Islands Forum during the general election in 2018, had found that there had been a "democratic deficit" in the electoral process. The current President of French Polynesia, who supported autonomy, was absent from

the meeting, ostensibly on the grounds that his attendance would serve no purpose, but in fact because pro-independence candidates had won the legislative elections in June. In the light of that major political change, France should abandon the empty seat policy and resume active contact with the Special Committee and the Fourth Committee. France should take the same approach to French Polynesia as to New Caledonia. In the light of the Indo-Pacific strategy announced by President Macron, the Ma'ohi people insisted more than ever on their freedom to act and their independence in the Pacific zone.

32. **Mr. Villar** (Tavini Group) said that the empty seat policy of France contravened international law and resolutions adopted on the issue since 2013 and was an affront to the parliamentarians in attendance. The Committee should take the appropriate diplomatic steps to convince France of its interest in resuming its participation in both the Fourth Committee and the Special Committee in meetings on French Polynesia. The process that France was implementing for New Caledonia would serve as a model, and an intelligent, peaceful and structured dialogue could thereby be undertaken under the auspices of the United Nations to adopt an agenda and work programme for the independence of French Polynesia, subject to a vote of self-determination.

33. **Mr. Buillard** (Association Teriiehina a Tauraa) said that Polynesians appreciated the progressive recognition by the General Assembly of the inalienable right of the people of French Polynesia to own, control and dispose of their natural resources, including marine resources and undersea minerals. In several resolutions, including the resolution adopted annually concerning the implementation of the Declaration, the Government of France had been urged to ensure such permanent sovereignty. In addition, the relevant decisions of the International Court of Justice had confirmed that the peoples of Non-Self-Governing Territories were the rightful owners of their natural resources.

34. The wilful absence of the representatives of France from the work of the Committee on French Polynesia, in violation of the Charter of the United Nations, precluded the possibility of assessing that country's level of compliance with international law, and clearly confirmed that the ownership of those resources lay with the people of Ma'ohi Nui. Nevertheless, the French Republic had seized full control and sovereignty over the natural resources of French Polynesia, in violation of international law. Colonialism thus remained unchanged and continued to dispossess Polynesians of their ancestral heritage.

35. **Mr. Stanley Cross** (Bar Association of Papeete, Tahiti) said that the people of French Polynesia had not been fooled by the machinations of France against the pro-independence leader Oscar Manutahi Temaru. When it came to justice, there was a double standard, depending on whether one was for independence or autonomy. For instance, the former Vice-President of the current autonomist Government had benefited from favourable treatment in cases dating back to 2011, receiving a minimal sentence for serious offences; yet Mr. Temaru had been politically assassinated in mere months. The voice of Ma'ohi people had been heard, however, with the election of three pro-independence members of parliament in June 2022.

36. **Mr. Chailloux**, speaking in his personal capacity as a newly elected member of the National Assembly of France, said that revenue from French Polynesia should be used to develop its economy rather than being transferred to France. A 2019 report entitled "Enduring colonization: how France's continuing control of French Polynesian resources violates the international law of self-determination", published by Blue Ocean Law, had highlighted how continued control by France of the islands' resources disenfranchised the people of French Polynesia.

37. France continued to treat French Polynesia as a strategic naval and military outpost, pursuing a policy driven by its geostrategic and socioeconomic interests. A recent French Senate report had noted that the exclusive economic zone claimed by France without its overseas island territories would rank forty-fifth in the world, instead of second. Whether the resources in the exclusive economic zone of French Polynesia were considered by Paris to be "strategic" was irrelevant to the applicability of international legal decisions. Moreover, attempts to legitimize colonialism by reforming or modernizing it did not constitute decolonization. The administering Power should immediately open a dialogue on the decolonization of Ma'ohi Nui, and the Committee should ensure that its draft resolution on the topic included a request for a work programme for French Polynesia.

38. **Mr. Legayic** (French National Assembly) said that his parents' and earlier generations had suffered pain and humiliation, and had been beaten for speaking their native language in school. As a result, his generation had inherited a state of cultural assimilation, along with a sense of inferiority and a belief that the only way to succeed was through the French language, culture and institutions. The struggle for self-determination was guided not by resentment but rather by a profound desire to end that colonial heritage and its modern manifestations: economic dependence, control of

natural resources, military presence and indigenous people living in precarious situations. The people of Ma'ohi Nui wished simply to join the assembly of sovereign nations, on an equal footing with France, and be free to make their own economic, social and diplomatic choices. Such a Ma'ohi Nui would accept France as a partner and an ally. To make that a reality, France should recognize its own status as an administering Power and allow the United Nations to visit French Polynesia to hear from its people, who wanted a peaceful, democratic process under the auspices of the United Nations.

Question of Gibraltar

39. **Mr. Picardo** (Chief Minister of Gibraltar) said that the decolonization of Gibraltar could be completed only in accordance with the wishes and aspirations of its people. There was no role in that process for any party other than the United Nations; the United Kingdom, as administering Power; and the people of Gibraltar. The United Kingdom was not present in Gibraltar as a colonizing power; it was there in partnership with, and at the express wish of, the people of Gibraltar. The latter would never consent to any discussion or negotiation regarding the sovereignty over its land, territorial waters or airspace. As Gibraltar looked to settle its future relationship with the European Union after Brexit, the Committee should understand that British common law and sovereignty over Gibraltar were an asset that created wealth for the entire surrounding region. In negotiations with the European Union, Gibraltar was working to conclude a new treaty that would eliminate barriers to the mobility of people and goods and create even more stability and greater opportunities for prosperity for Gibraltar and the whole region. If the energy and resources that Spain, the United Kingdom and Gibraltar put into arguing before the Committee and with each other were channelled instead into working together, they would produce outcomes that did not require negative compromises by any party. Recognizing each other was a prerequisite for such negotiations. Good progress had been made thus far; technical difficulties had not deterred the magnificent negotiating teams assembled by each side. The communities in the area were already joined together socially and economically, and no political dispute had ever been able to pull them apart.

40. Only the people of Gibraltar would determine the future of Gibraltar. Their inalienable right to self-determination must be respected, and Gibraltar must be delisted. Gibraltar sought harmony and peaceful cooperation, and would work to deliver unimpeded movement at its borders for persons and goods.

41. **Mr. Santos Maraver** (Spain) said that Gibraltar had been militarily occupied by the United Kingdom in 1704, during the War of the Spanish Succession. Under article 10 of the Treaty of Utrecht of 1713, Spain had been forced to cede to the United Kingdom only the town and castle of Gibraltar, together with its port, fortifications and forts, without ceding territorial jurisdiction. The United Kingdom had subsequently illegally occupied the isthmus adjacent to Gibraltar, building a fence in 1909 and a military airport in 1938 that jutted more than half a kilometre into the territorial waters of Spain.

42. During the intervening years, the Assembly had created a body of law on the question of Gibraltar, to which Spain fully subscribed. In resolution 2231 (XXI), adopted in 1966, the General Assembly had called on the two parties to continue their negotiations and had asked the administering Power to expedite, without any hindrance and in consultation with the Government of Spain, the decolonization of Gibraltar. In resolution 2353 (XXII), it had established that the decolonization process should be governed by the principle of territorial integrity. In resolution 2429 (XXIII), it had requested the administering Power to terminate the colonial situation in Gibraltar no later than 1 October 1969. The core issue was thus the British military presence, which contravened the resolutions of the General Assembly. The administering Power had, however, ignored the doctrine of the United Nations. In 1967, it had held a referendum on questions of sovereignty without United Nations involvement.

43. Spain wanted inhabitants on both sides of the Fence to prosper, and saw enormous potential for them to do so. In an effort to ensure that negotiations on the departure of the United Kingdom from the European Union were as orderly as possible, the two countries had negotiated an international agreement on taxation and the protection of financial interests, which had entered into force on 4 March 2021. They had also signed four memorandums of understanding concerning, respectively, citizens' rights, police and customs cooperation, the environment, and tobacco and other products. At present, only the memorandum on citizens' rights was in force. On 31 December 2020, Spain and the United Kingdom had reached an understanding that would serve as the basis for a future agreement between the European Union and the United Kingdom on Gibraltar, with the ultimate aim of creating an area of shared prosperity. However, no provision of that agreement and no measure taken to implement it should be understood to indicate a change in the legal position of Spain regarding sovereignty and jurisdiction over Gibraltar.

44. Spain remained willing to reach an agreement with the United Kingdom on the launch of a new regional cooperation framework for the benefit of the inhabitants on both sides of the Fence. As the Committee had repeatedly reiterated, there was no other solution to the dispute over Gibraltar than a negotiated decolonization process under the terms established by international law as developed by the Committee.

45. **Mr. Buttigieg** (Self-Determination for Gibraltar Group) said that Gibraltar did not wish to cause unnecessary confrontation with anyone, or to create issues where there were none, but it would never cease to fight for self-determination. The Preamble to the Charter of the United Nations affirmed the equal rights of nations, large and small, and the Committee therefore had a duty to deal with the issue of Gibraltar in a meaningful and direct manner. Thus far, it had done almost nothing in that regard. The Government of the United Kingdom and his own organization had repeatedly asked what more was needed to meet the criteria for delisting, but the Committee had not so much as deigned to acknowledge the question. If the Committee did not know the answer, perhaps that was because it did not know Gibraltar well enough, or realize the level of self-government that it enjoyed or how far it had progressed since it had first been discussed in the Committee. The Committee should form its own opinion by sending a visiting mission. Although the Committee might not wish to offend third parties, such a mission would allow it to see that Gibraltar had done more than enough to be delisted. The people of Gibraltar could be forgiven for thinking that the United Nations did not care about them; by sending a mission, the United Nations could prove them wrong.

Question of Guam

46. **Mr. Won Pat-Borja** (Commission on Decolonization, Government of Guam), speaking on behalf of Lourdes Leon Guerrero, the Governor of Guam, said that efforts had been undertaken in the previous year to move forward towards a plebiscite on self-determination. Such efforts included ongoing community education, including in schools, and the publication of "*Giha mo'na: a self-determination study for Guåhan*", which had been presented to the Special Committee on decolonization at its Pacific regional seminar held in Castries, Saint Lucia, from 11 to 13 May 2022. That study, which was based on the internationally recognized self-governance indicators, offered an analysis of the three status options of integration, independence and free association. The absence of that particular milestone in the most recent resolution on Guam adopted by the Special Committee was a

disservice to its work. The Fourth Committee should continue to support such efforts and include an addendum to the working paper on Guam highlighting the launch of the study and other developments; cite the study in its draft resolution on the question of Guam; and distribute an electronic copy of the study to members of the General Assembly.

47. It remained a priority of the administration to conduct, within the next few years, a political status plebiscite in which only those who had been historically denied their right to self-determination would participate, a stance that was consistent with the United Nations Declaration on the Rights of Indigenous Peoples. After the federal court decision in *Davis v. Guam* had delayed the plebiscite, other avenues were being explored, including a request to the current United States Administration to secure a plebiscite authorized by Congress to bypass the federal courts.

48. Amid escalating geopolitical tensions in the Asia-Pacific region, the United States continued its military build-up in Guam. In such matters, the two sides did not function as equals, even when the administering Power attempted to cooperate with local leadership. Guam had petitioned the Inter-American Commission on Human Rights to request that the United States be held accountable and that the civil and political rights of the people of Guam be upheld, a development that should be reflected in the Committee's draft resolution and any future proceedings. Owing to its strategic location, Guam was at the epicentre of tension. However, decisions regarding security could not exclude the security of the environment, economy, health and well-being of the people of Guam.

49. The Territorial Government had grown and evolved, finding new ways to work with the administering Power and the United Nations towards achieving a full measure of self-governance. A visiting mission should be sent to witness the challenges Guam was facing and the incredible progress it had made towards sovereignty.

Question of New Caledonia

50. **Mr. Mapou** (President of the Government of New Caledonia) said that, since the reinscription of New Caledonia on the list of Non-Self-Governing Territories, in 1986, the Territory had made great strides towards self-determination with the support of the Committee. The people of New Caledonia, including its Indigenous People, the Kanaky nation, and all the communities that had established themselves in the Territory, had worked to forge an identity that was distinct from the history of colonization. Owing to the unique process that had

unfolded since 1998, New Caledonia had taken ownership of its own affairs in 2022 to an unprecedented extent. Such progress called into question the stakeholders' capacity to find solutions over the short term that could meet the growing demand for New Caledonia to take over a wider range of powers. New Caledonia was assuming its role among the countries of the Pacific, and its representatives had recently been invited by the United States, along with other members of the Pacific Islands Forum, to offer its views regarding the future of the region.

51. Pro-independence voters and the Indigenous People had not taken part in the third referendum, in which a mere 43 per cent of the population had voted. The authorities of the French Republic had deemed that referendum to be legal, but its credibility and legitimacy had been marred, as had been noted by United Nations officials and by the Pacific Islands Forum. Although the three referendums had shown that two broad visions of the future continued to exist, the fact remained that New Caledonia aspired to take ownership of all its powers. The country had been tested by the COVID-19 pandemic and the war in Ukraine. Nevertheless, the Government of New Caledonia, with the support of the French State, had shown its resilience and worked to improve the situation in all sectors of society.

52. The year 2022 was a transitional year, in which structural reforms were being conducted to ensure the country's long-term development. The Government's aim was to restore the confidence of the people so that they could determine the country's future after 2024, with peace of mind and full knowledge of the issues at stake. His Government would focus on four priority areas. Firstly, it would work to foster a New Caledonian identity that included all citizens, strengthen social cohesion and the social safety net, and improve the education system to help the most vulnerable groups, including the Kanak people. Secondly, it would endeavour to address vulnerabilities, in particular those linked to climate change. Thirdly, it would consolidate the country's administrative and social institutions, which had helped to maintain domestic stability over the previous 30 years. The sharing of sovereign functions under the Nouméa Accord had brought the country close to exercising full sovereignty.

53. Fourthly, his Government would take action related to the current international status of New Caledonia, which had enabled it to develop sustained relations with the countries of the region. In the light of the fifty-first Pacific Islands Forum, held in Suva from 11 to 14 July 2022, and the declaration on the United States-Pacific partnership adopted at the United States-Pacific forum held in Washington, D.C. on 28 and

29 September 2022, the emphasis should now be on exploring new approaches to governance with the administering Power. New Caledonia would henceforth play a cooperative and diplomatic role comparable to that exercised by sovereign nations in the region, and on the verge of full sovereignty. At the forum in Washington, D.C., the President of the United States, Joseph Biden, had recognized the sovereignty of several countries that were in free association with New Zealand, which demonstrated how the principle of “interdependency” could once again be at the heart of discussions on international relations.

54. The unique negotiation process agreed between France and the political movements of the Territory had allowed the New Caledonian people to emerge, develop its own institutions, and take on a more prominent role at the international level. The contours of the future would become clear only under a new dialectic of decolonization. The decolonization audit requested from the United Nations by the partners of the Nouméa Accord would clarify the current situation with regard to self-determination.

55. **Ms. Wateou**, speaking in her personal capacity, said that New Caledonians had been asked three times whether they wanted independence. Three times, they had rejected the plan of the Front de libération nationale kanak et socialiste and expressed their strong support for a future with the French Republic, each time doing so in a free, clear and sovereign manner. They were ready to move on and pursue a shared, peaceful political future which prioritized the fight against economic and political inequality. There was no longer any justification for maintaining the transitional arrangements that had been agreed over the past 30 years, and which included the freezing of electoral rolls, the skewed redistribution of tax revenue and the under-representation of non-independence voters. Although New Caledonians had firmly decided to remain part of France, two out of three provinces, as well as the Congress and the Government, were led by pro-independence groups. The sole political strategy pursued in those institutions was to lead New Caledonia towards Kanaky. Instead, all stakeholders should engage with the committee of partners that would be convened in late October 2022 to start a dialogue and to determine a calendar and method for developing their shared future.

56. **Mr. Bourgeois** (Province Sud) said that the Matignon Agreements had been signed on 26 June 1988, before he was born. New Caledonia was multicultural and French; it belonged to everyone, regardless of origin, who had contributed to its development and wished to contribute to its future. Questions regarding

the institutional future of New Caledonia had been of great importance to his parents’ generation, but young people had different concerns. The social and societal model bequeathed to them had put their future on hold. They needed to be assured that they were all part of New Caledonian society regardless of their political beliefs. That outcome was possible now that New Caledonians had, three times, expressed their deep attachment to France. It was time to move forward and address issues related to well-being, integration, the role of women and the inclusion of people regardless of their gender, customs or origins. That could be achieved by instilling confidence that their future would no longer be in doubt as a result of a series of referendums, and that they could pursue the New Caledonian dream and build a society with strong republican values where every voice counted.

57. **Mr. Wamytan** (Congress of New Caledonia) said that the third referendum was supposed to have concluded the process of decolonization, but it had not been held in the way predicted because the colonized people of New Caledonia had not participated in it, owing to the impact of the COVID-19 pandemic and the impossibility of simultaneously holding a period of mourning in accordance with their customs and properly conducting an electoral campaign. In the end, the referendum had been organized at the expense of the cultural identity of the Kanak and Oceanian people after President Macron had, firstly, refused their basic request to postpone the referendum until September 2022 and, secondly, legitimized the outcome by declaring that New Caledonia would remain French.

58. President Macron had stolen the referendum, which, to borrow his description of a referendum recently held in Europe, had been a farce and a sham. France had abandoned its position of neutrality and impartiality by ignoring the non-participation of colonized people and championing the non-independence party in order to defend French strategic and economic interests. Independence movements had been forced to turn repeatedly to the bodies of the United Nations for the recognition and defence of their right to sovereignty and self-determination. By abandoning its impartiality and neutrality, the administering Power was creating a major risk to the stability and unity of New Caledonian society.

Statements made in exercise of the right of reply

59. **Mr. Brown** (United Kingdom), replying to the statement made by the representative of Spain, said that the United Kingdom welcomed the participation of the Government of Gibraltar at the current meeting, alongside all petitioners. The position of the United

Kingdom regarding its sovereignty over Gibraltar and the territorial waters surrounding it was clear. The people of Gibraltar enjoyed the right to self-determination. The 2006 Gibraltar Constitution, which had been endorsed in a referendum by the people of Gibraltar, provided for a modern and mature relationship between Gibraltar and the United Kingdom. The United Kingdom reiterated that it would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes.

60. **Mr. Gutiérrez Segú Berdullas** (Spain) said that the cession of the Rock of Gibraltar had resulted from a military defeat, following which the original inhabitants had been expelled and colonists had been settled in the area ceded under article 10 of the Treaty of Utrecht. In accordance with United Nations doctrine, Spain rejected the attempts of the administering Power and the authorities of the colonized territory to alter the political relationship and claim that no colonial relationship existed while at the same time asserting a supposed right to self-determination. Spain had endured the colonization of its territory, and therefore had a right to secure decolonization by restoring its national unity and territorial integrity. Spain did not recognize any rights or situations of the United Kingdom relating to the spaces of Gibraltar that were not included in article 10 of the Treaty of Utrecht. The attempt to extend sovereignty to the surrounding waters did not have merit under that Treaty or international law. Spain had no doubt about the limits of its territory, which included the waters surrounding Gibraltar. Spanish ships had been operating in those waters without incident since time immemorial; the controversy was recent and had given rise to certain alleged incidents.

The meeting rose at 6 p.m.