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# DECOLONIZATION



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## NEW CALEDONIA

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## I. BACKGROUND INFORMATION

New Caledonia is located in the south-west Pacific Ocean between Australia and Fiji. It consists of a main island, Grande Terre, and a number of smaller islands. To the east of Grande Terre are the Loyalty Islands (Ouvea, Mare, Lifou and Tiga), to the north, the Belap Islands, and to the south the Isle of Pines. There are also several small, uninhabited islands to the north of the Loyalty Islands. The area of Grande Terre is 16,750 square kilometres and that of all the islands combined is 19,103 square kilometres. Nouméa, the capital, is located on Grande Terre.

According to the census of April 1983, the total population of New Caledonia was 145,400, of whom 61,870 (42.6 per cent) were indigenous Melanesians known as Kanaks; and 54,000 (37.1 per cent) were of European origin, mainly French, of whom some 35,000 persons were descendants of the early settlers, known as Caldoches. In addition, there were 29,530 persons (20.3 per cent) of various ethnic origins, including Wallisians, Tahitians, Indonesians and Vietnamese. As a result of immigration, the size of the Melanesian community declined from 52 per cent of the total in 1951 to 46 per cent in 1969 and to less than 43 per cent by 1983.

New Caledonia, discovered in 1794 by Captain James Cook, was annexed in 1853 by France which made it a penal colony. From 1863 to 1896, some 20,000 French convicts and 4,000 political prisoners were sent there. The arrival of settlers gained momentum gradually, especially after the discovery in the 1860s of nickel, gold and cobalt deposits.

From 1853 to 1862, New Caledonia was administered as a dependency of Tahiti by succeeding military governors. In 1885, a civilian governor was appointed for the first time; he administered the Territory with the assistance of an elected advisory council.

With the 1855 Declaration relating to property and the alienation of land, followed by the 1859 Declaration creating reservation areas, Melanesians were gradually dispossessed of their hereditary lands and moved to reserved parts of Grande Terre and the outer islands. Several revolts ensued but were put down by French troops. A most serious case, known as "the revolt of the Great Chief Atai", resulted in the death of some 1,000 Kanaks and 200 settlers in 1878; another, the "revolt of Chief Noël", took place in 1917.

Since 1887, the Kanaks were separately administered under a system known as the Indigénat, which remained in effect until 1946.

In 1946, under the newly formed French Fourth Republic, New Caledonia became an Overseas Territory of France, entitled to elect representatives to the French National Assembly and Senate and to exercise a wide measure of local self-government through an elected territorial Assembly. The Indigénat was then abolished. Until 1951, however, when they were granted French citizenship and a qualified right to vote, the Kanaks were excluded from taking part in political processes and in the local government. A separate administration for Kanaks remained in effect until 1956.

## II. POLITICAL AND CONSTITUTIONAL DEVELOPMENTS

### From 1956 to 1986

In 1956, France enacted the loi-cadre of 1956, providing the legal framework for a new relationship between the French Government and its overseas Territories. For New Caledonia, it meant the enlargement of the territorial Assembly to 30 members and the introduction of an electoral system based on universal adult suffrage, giving Kanaks for the first time the right to participate fully in political processes. The Assembly was empowered to debate and approve the territorial budget and to express its "desires" on policy matters outside its jurisdiction. The Assembly elected a Government Council which constituted the executive branch of Government, under the chairmanship of the Governor, and comprised six ministers, one of whom was a Melanesian. The Governor, appointed by France, remained responsible for all national departments and the police.

In 1958, the new Constitution of the Fifth Republic provided that France's Overseas Territories were an integral part of the French Republic and stipulated that they might choose to retain their current status or become departments of France or member States of the French community. In a referendum held on 4 October 1958, New Caledonia opted to maintain its status of Overseas Territory, on the understanding that the decision would not preclude evolution towards greater autonomy.

In 1963, the French National Assembly signed a bill into law which became known as the loi jacquinot. The law curtailed the powers of the territorial Assembly and the Government Council and restored extensive powers to the Governor. Under the Statute, for instance, the government Council became a consultative body. Under three further laws enacted in 1969, the Billotte laws, the power to impose or collect mining taxes reverted to the Governor.

In 1976, in response to growing pressure from the Territory for greater self-government and the demand by the Kanaks for independence, France enacted the Stirn statute, by which the government Council was increased to seven elected members and was given renewed responsibility for certain internal affairs. The High Commissioner, who replaced the Governor, retained overall executive power, including the power to suspend members of the government Council, while the Minister for Overseas Territories could dissolve both the Council and the territorial Assembly. In 1979, the Council was dissolved because it refused to support a plan, the Dijoud statute, to institute economic reforms in exchange for deferring demands for autonomy and independence for 10 years, and France resumed direct rule through the High Commissioner. The Dijoud statute, which changed the method of election to the territorial Assembly and the government Council to the detriment of small Kanak parties, led to the consolidation of a number of those parties and the creation of the Front indépendantiste.

In 1981, faced with increasing Kanak dissatisfaction and escalating tension and violence, the French Government enacted another series of measures in order to broaden Kanak participation in the Territory's political and economic life. These measures included fiscal and land reforms, equal access for all New Caledonians to positions of authority, wider distribution of mining revenues and the fostering of Melanesian cultural institutions. For the purpose of carrying out these reforms, the Government resumed the power to rule the Territory by decree.

In July 1983, the French Government convened a round-table conference at Nainville-les-Roches, to which all political parties in New Caledonia were invited in an attempt to work out a durable solution to the Territory's problems. At the conclusion of the conference, a final declaration was issued in which, for the first time, recognition was given to the "legitimacy of the claims of the Kanak people, first occupants of the Territory, including their innate and active right to independence". <sup>1/</sup> The declaration was not signed by the main anti-independence Party, the Rassemblement pour la Calédonie dans la République (RPCR).

On 6 September 1984, the French National Assembly adopted a new statute of autonomy, the Lemoine statute, which provided internal autonomy for five years, followed by a self-determination referendum, including the option of independence, in 1989. During the five-year interval, the territorial Assembly would be enlarged to 42 members to allow for increased Kanak representation; a second legislative chamber would be established to introduce the values of Melanesian customary law into the Territory's institutions; and the territorial Government would be headed by a President elected by the territorial Assembly, instead of a High Commissioner.

The Statute failed to satisfy either the Kanaks or the Caldoches. The Kanaks objected to the five-year delay before the holding of a referendum, as well as the six-month residency requirement. The Front de libération nationale Kanak et socialiste (FLNKS), the main independence coalition, insisted that the right to vote in the referendum should be restricted to the Kanaks and to settlers with at least one parent born in the Territory. The Caldoches, on the other hand, objected to the very possibility of independence. <sup>1/</sup> FLNKS consequently boycotted the November elections to the territorial Assembly and RPCR won 34 of the 42 seats.

The ensuing violence between pro- and anti-independence groups in the Territory, despite the presence of 1,300 additional policemen brought in to maintain order, prompted France to announce that the timing of the referendum would be brought forward to 1985. FLNKS nevertheless proceeded to establish a Kanak provisional government on 1 December 1984, as a first step towards a future "State of Kanaki", called for the annulment of the election results and asked for a new referendum in which only Kanaks would vote. <sup>1/</sup> RPCR, for its part, proceeded to select a President and cabinet members for a new Government.

Violence escalated, causing wide-spread property destruction and the death of 21 Kanaks in a series of clashes between Kanaks and white settlers. Eloi Macharo, Minister for Security in the "Provisional Kanak Government" was killed. In the face of the deteriorating situation, President Mitterrand appointed Mr. Edgard Pisani, a former Minister, as his Special Envoy, to restore order in the Territory and draft, within two months, an independence plan acceptable to all groups.

According to the Pisani Plan, <sup>2/</sup> announced in its final form on 7 January 1985, the referendum would be held in September 1985, with the franchise limited to those with at least three years' residence in the Territory. Voters would be asked to choose between independence in close association with France, or continued French administration of the Territory under a revised statute of autonomy. Should it choose independence, New Caledonia was to become a sovereign State on 1 January 1986 but would remain linked to France in perpetuity by a special treaty of association, under which France would have permanent responsibility for defence and security.

Publication of the plan was greeted by hostility, resulting in renewed bloodshed on both sides and leading France to impose a state of emergency and increase to over 6,000 the number of troops stationed in the Territory.

In March 1985, Mr. Pisani announced revisions to the Plan, designed to reassure the settlers; however, their opposition to the Plan continued unabated. <sup>3/</sup> In April 1985, the French Government postponed the referendum for two years, dissolved the territorial Assembly and established, for a 30-month transitional period, four regional Councils and a new 46-member territorial Congress, as well as an advisory body in which all representatives of the regional councils would participate. Elections for the councils were held on 29 September 1985 with a voter turn-out of over 80 per cent. Kanak candidates won three of the four regions, gained 35 per cent of the total vote and won 17 seats in the territorial Congress. RPCR, with 61 per cent of the total vote, carried the district of Nouméa, and won 25 congressional seats. Two smaller parties, which were also opposed to independence, won four seats.

On 15 November 1985, the French Government adopted a package of administrative measures aimed largely at redressing the conditions of Kanaks, including a land reform programme, tax reform measures, compensation for victims of civil disturbances and educational reforms.

#### Since March 1986

The Government that came to power in France as a result of the March 1986 National Assembly elections reversed some of the steps taken by the previous Government; it transferred back to the European-dominated territorial Congress many of the powers delegated by the 1985 legislation to the regional councils and decided that a referendum on self-determination should be held within 12 months. A law promulgated on 5 June 1987 provided that the choice would be between independence or remaining part of the French Republic. Under the law, the three-year residency requirement was maintained. <sup>4/</sup>

At its annual Congress held on 28 and 29 May 1987, FLNKS called upon all those favouring independence to boycott the referendum and adopt a tactic of non-violent opposition.

At its eighteenth session, held at Apia on 29 and 30 May 1987, the South Pacific Forum adopted a communiqué 5/ in which, *inter alia*, it rejected the planned referendum as "an empty exercise, divisive, futile and a recipe for disaster" and called upon France to abandon it. The communiqué expressed the willingness of the Forum to discuss the issue with France and called upon the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to recommend to the General Assembly the holding of a United Nations-sponsored referendum in the Territory "consistent with the universally accepted principles and practices of self-determination and independence".

During the pre-election period, security forces in the Territory were increased to over 7,000 and all political demonstrations were banned. The referendum was held on 13 September 1987. A total of 50,257 votes were cast, representing 59 per cent of the eligible voters; 48,611 (98.3 per cent) were in favour of remaining part of France and 842 (1.7 per cent) in favour of independence. According to official French sources, 6 per cent of the registered voters were excluded from voting because they did not meet the three-year residency requirement. According to FLNKS, 83.2 per cent of the Kanak population boycotted the referendum. 6/

Following the referendum, the text of a new statute of autonomy for the Territory was submitted to the Council of Ministers and was approved by the Council on 4 November. On 3 November, the territorial Congress at Nouméa approved, by a vote of 84 to 46, the draft statute with an accompanying series of reservations. The French Parliament approved the Statute on 19 December 1987 with minor amendments and it became law on 22 January 1988.

According to Mr. Pons, then Minister for Overseas Territories, the new Statute would provide for a large degree of territorial, regional and communal autonomy, as well as increased Kanak participation in territorial institutions. It therefore constituted an essential element of national reconciliation. 7/

Scheduled to come into force in the spring of 1988 after the holding of territorial elections on 24 April, simultaneously with the first ballot for the French presidential elections, the Statute of Autonomy is now held in abeyance, pending the formulation of its related policy by the French Government which emerged following the return to power of President Mitterrand. FLNKS, as it had indicated, boycotted the elections.

Under the Statute, France retains responsibility for foreign relations, currency, defence, maintenance of law and order, justice and secondary and higher education, while the territorial Government exercises authority over the organization of public services, primary education, scholarships, regulation of prices and trade and import restrictions. The High Commissioner ensures the smooth running of the institutions and is empowered to arbitrate differences which might arise between the State, the Executive Council and territorial, regional or communal authorities.

The Statute provides for the establishment of the following institutions: Executive Council, Congress, Customary Assembly, Economic and Social Committee, four regional councils and 32 municipal councils.

The Executive Council comprises a President elected by an absolute majority of the members of Congress; five members elected by proportional representation; and the presidents of the four regional councils.

The Congress consists of the four regional councils; its members are elected for a five-year mandate.

The Customary Assembly comprises the 52 paramount Chiefs designated for five years. It is represented in the Economic and Social Committee and in the instances dealing with land tenure.

The Economic and Social Committee comprises representatives of professional associations, trade unions, cultural associations, plus one representative of each of the four regions and up to nine members of the Customary Assembly. Its total membership cannot exceed that of the Congress. The four regional councils serve as the basis for the composition of the Congress, as indicated above. They comprise nine members for the eastern region Council, seven for the one of the Loyauté Islands, 11 for the Council of the western region and 21 for the one of the southern region. A law defining the composition and role of the 32 municipal councils is to be published shortly.

### III. ECONOMIC AND SOCIAL CONDITIONS 8/

In 1984, the per capita gross national product was \$US 7,852, the fourth highest in the region after Australia, French Polynesia and New Zealand. In 1985, average non-Kanak income amounted to over three times that of the Kanaks.

The economy is almost totally dependent on nickel, amounting to over 80 per cent of all exports during the 1980s. Tourism comes far behind in second place and agriculture and fishing are of minimal significance. Since the mid-1970s, the economy has been depressed because of falling world nickel prices, creating a chronic negative balance of trade, amounting to 11.9 million comptoir français du Pacifique (CFPF) 9/ in 1985. The Territory relies on subsidies from France to supplement local sources of revenue. In 1985, subsidies amounted to CFPF 4.4 billion or 18 per cent of ordinary revenues (CFPF 24 billion). In addition, in May 1986, France announced that it would provide an additional 7 billion CFPF, mainly for development.

#### Mining

New Caledonia has 28 per cent of the world's deposits of oxidized nickel ore and is the third largest producer of nickel in the world after Canada and the Union of Soviet Socialist Republics. Its known and estimated reserves of nickel are believed to amount to 50 million metric tons.

From 1969 to 1976, owing to the world-wide nickel boom, output averaged 6.6 million metric tons annually. Production declined to a low of 2.2 million metric tons in 1983.

In 1985, the total production of nickel ore amounted to 3.6 million metric tons, of which 1.4 million were exported at an earning of 5 billion CFPF.

Mining of nickel is strictly regulated by France, which has declared nickel to be a strategic mineral. The Société Métallurgique le Nickel (SLN), a State-controlled company, operates the only smelting plant.

In the 1980s, a total of 3,000 persons of all races, or 5 per cent of the active labour force, were employed by the mining and metallurgical sectors.

#### Tourism

Tourism has traditionally been the secondary mainstay of the economy. In 1987, there was a total of 1,573 hotel rooms, mainly in and around Nouméa, as well as a number of Melanesian-type accommodations on the outer islands. The number of tourists peaked at 100,000 in 1984, but declined to around 50,000 in 1985 due to political unrest. Tourists are mostly from Australia, Japan and France; they numbered some 57,000 in 1986.

#### Fisheries

The exclusive economic zone of 200 miles around the Territory, established in 1978, covers 2.1 million square kilometers and a great potential exists for the future development of fisheries.

In 1985, there were two commercial fisheries involved in the exploitation of tuna, as well as several independent small-scale fishing enterprises, which accounted for some 5,000 metric tons of catches. The demand for local fish is limited because of poisoning from reef fish, which is common throughout the Pacific.

In 1986, fishing agreements were negotiated between Japan and the Territory. A modest experiment of aquaculture (shrimps) has been initiated on the south-western coast, with the assistance of the South Pacific Commission and the Food and Agriculture Organization (FAO) of the United Nations.

#### Agriculture and livestock

Agriculture and cattle ranching make a limited contribution to the economy, although 34 per cent of the population is involved in those activities. Commercial agriculture, involving about 4 per cent of the settlers as well as a small number of Kanaks, contributed only 2 per cent to the gross domestic product in 1984 and accounted for less than one per cent of the total value of exports. Commercial agriculture accounts for 98 per cent of the land used for farming, while 60 per cent of the Kanak population is dependent on subsistence farming for its livelihood. Coffee and copra are the main commercial crops, grown mainly by the Kanaks; food crops are grown but are inadequate to meet local demand. In 1985, the import of food products amounted to 21 per cent of the total value of imports.



Land devoted to livestock, mainly on the west coast, amounts to 13 per cent of the total area of Grande Terre. There are some 120,000 head of cattle; pigs, goats, sheep and poultry are raised on small farms. Cattle ranching is operated by the Caldoches.

### Land

The Kanak population has been dispersed in designated areas throughout the interior of Grand Terre and on the outer islands. By 1978, Kanak reservations totalled 375,122 hectares, representing 10 per cent of the area of Grande Terre and 20 per cent of the Loyalty Islands. In the 1970s, on Grande Terre, some 25,000 Kanaks owned 175,000 hectares of reservation land, compared to some 500,000 hectares of prime land owned by fewer than 1,000 Caldoche families.

In 1979, the French National Assembly embarked upon a course of land reform, providing for the acquisition of Caldoche-owned land by purchase or expropriation and its redistribution to Kanaks. According to FLNKS, since 1979 the lands actually reconveyed to the Kanaks both on and outside the reservations were increased by 51,177 hectares, or 3 per cent, and an additional 56,362 hectares were acquired by the Land Acquisition Fund, but remained largely undistributed.

Under legislation signed in July 1986, the Land Acquisition Office was replaced by the Rural and Land Development Agency, whose function is to promote rural development and land management. Authority for implementing the land-reform policy was removed from the regions and granted to the High Commissioner.

Following the September 1987 referendum, France announced that it would encourage modernization and stimulate development for the benefit of all by implementing an active land policy, designed to restructure available land.

### Transportation

New Caledonia has one of the best air and road networks in the Pacific. There are 18 commercial airfields located throughout the Territory served by frequent international and internal flights. In 1986, at Nouméa airport 250,515 passengers alighted and departed and 5,482 metric tons of freight were handled. Coastal roads circle Grande Terre and there are several transverse roads through the interior. In 1980, there were over 6,000 kilometres of roads of varying quality throughout the Territory, of which some 470 kilometres were in the outer islands.

There is regular cargo service from Australia and New Zealand to Nouméa, a fully equipped modern port. Seven shipping companies operate routes to and from the Far East, the United States of America and Europe. In 1986, 2.1 million metric tons of freight, mostly minerals, were handled by Nouméa port.

### Labour

Labour relations in New Caledonia are governed by the Code du travail of 1982, as modified in 1986, that applies to all French Overseas Territories. There are a number of labour unions. There is also a guaranteed minimum wage, which amounted to 346.29 CFPF per hour in 1983.

In 1983, there were 44,842 persons in paid employment, or 46 per cent of the total population over 14 years of age, of whom 24 per cent were Kanaks. Two-thirds of the Kanak labour force were manual or domestic workers and 4 per cent were white-collar workers. The majority of Kanaks derive their livelihood from subsistence farming.

### Education

Education is based on the French curriculum and is free and compulsory up to 14 years of age. There is an extensive network of primary schools and secondary institutions, offering both academic and technical/vocational programmes. Five institutions offer programmes in teacher-training, law (in conjunction with the University of Bordeaux), advanced technical fields and commercial and business subjects. In addition to public schools, there are parochial and non-religious private schools. The French language is the medium of instruction.

Under the regional system introduced in 1985, primary education was made the responsibility of the regional councils, three of which were Kanak controlled. In 1986, however, the administration of primary education reverted to the territorial Assembly, which would continue to be responsible for it under the proposed statute of autonomy. According to FLNKS, the French curriculum is not adapted to Kanak culture, which explains the relatively high rate of failure of Melanesian students, especially at the higher level. For the past several years, FLNKS has run alternative schools ("écoles populaires Kanakes") at the elementary level, with an enrolment, in 1986, of some 1,500.

In 1986, there were 31,875 children in primary schools, 18,914 in public secondary schools and 5,429 in private secondary schools. Kanaks represent 55.5 per cent of the students at the primary level, while they constitute 42 per cent of the total enrolment in secondary schools and in vocational high schools. In 1985, 80 Kanak students graduated from high school (baccalauréat) and 345 from junior high schools (brevet), representing 17 per cent and 30 per cent of all graduates, respectively. In 1986, there were 859 students enrolled in post-secondary establishments.

A French university, Université Française du Pacifique Sud, is in the planning stage. In 1983, the local teacher-training college had three Kanaks in an entering class of 40. In 1986, of the 1,382 secondary teachers, only 33 were Melanesians.

### Public health

The health system is organized into 21 districts, each with a small general hospital and one or more dispensaries. In 1986, there were 226 medical practitioners, 22 dentists and 18 pharmacists in the Territory. In the interior of Grande Terre and the outlying islands, nearly the entire medical staff is employed in the public service; 72 physicians in private practice live in or around Nouméa.

In 1986, the ratio was one doctor to 460 inhabitants in Nouméa and one to 2,097 in the outlying areas.

#### IV. ACTION TAKEN BY THE UNITED NATIONS

New Caledonia was included in the list of Non-Self-Governing Territories noted in General Assembly resolution 66 (I) adopted in 1946, for which administering Powers assumed responsibility for transmitting information called for under Article 73 e of the Charter of the United Nations. 10/

In 1947, France ceased the transmission of information since, in its view, Article 73 e ceased "to apply to territories whose peoples have attained a sufficient degree of culture, prosperity and self-government" as was the case for New Caledonia and other Overseas Territories whose people "already enjoyed extensive political rights" and which had been provided "with a régime closely resembling that of the Overseas Departments or that of metropolitan France as regards the status of the inhabitants and their method of political representation". 11/

In 1960, the General Assembly adopted resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which the Assembly, among other things, called for immediate steps to be taken in trust and non-self-governing territories to enable all peoples of these territories to enjoy complete independence and freedom. In the same year, the Assembly also adopted resolution 1541 (XV), in which it laid down the principles to be used in determining whether or not an obligation existed to transmit the information called for under Article 73 e of the Charter. Principle IV stated that "prima facie there is an obligation to transmit information in respect of a territory which is geographically separate and distinct ethnically and/or culturally from the country administering it".

New Caledonia was not included in the preliminary list of Territories drawn in 1962 to which the Declaration on the Granting of Independence to Colonial Countries and Peoples applied.

In August 1986, the representative of Fiji transmitted to the Special Committee a decision adopted by the South Pacific Forum, 12/ by which the Forum requested the Special Committee to recommend to the General Assembly the "reinscription" of New Caledonia on the list of Non-Self-Governing Territories. In reaching the decision, the Forum had concluded that the change in French policy towards New Caledonia over the past year represented a significant step backwards. According to the Forum, whereas the previous

Administration had appeared committed to a form of independence for New Caledonia, the new Administration appeared committed to New Caledonia remaining within the French Republic. The Forum leaders noted that their decision to bring the question before the United Nations reflected their consistently expressed desire to see New Caledonia move to independence by peaceful means. Aware that its programme of work for the year 1986 was about to be concluded, the Special Committee decided to take up the request by the Forum at the outset of its 1987 session.

In October 1986, Fiji, on behalf of the seven members of the South Pacific Forum that are also States Members of the United Nations, namely, Australia, Fiji, New Zealand, Papua New Guinea, Samoa, the Solomon Islands and Vanuatu, informed the Special Committee of their decision to pursue the question at the forty-first session (1986) of the General Assembly. 13/

At its forty-first session, within the context of its consideration of the agenda item on Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly had before it a draft resolution relating to New Caledonia, submitted by 31 Member States. 14/ The draft resolution would have the General Assembly consider that, in the light of the provisions of Chapter XI of the Charter and General Assembly resolutions 1514 (XV) and 1541 (XV), New Caledonia was a Non-Self-Governing Territory within the meaning of the Charter; declare that an obligation existed on the part of the Government of France to transmit information on New Caledonia under Chapter XI of the Charter; affirm the inalienable right of the people of New Caledonia to self-determination and independence in accordance with resolution 1514 (XV); request the Special Committee to examine the question of New Caledonia at its next session; and request the Government of France to extend its co-operation to the Special Committee.

Speaking on behalf of the seven countries of the South Pacific Forum that were members of the United Nations, the representative of Fiji said that, for five years, the Forum members had hesitated to bring the question of New Caledonia to the United Nations in the hope that the process of dialogue and political evolution would lead to a peaceful transition and the holding of a legitimate act of self-determination. However, he continued, as the new French Government had repudiated the undertaking previously given to the people of the Territory, the South Pacific Heads of Government had decided unanimously to respond to the entreaties of the people of New Caledonia and seek the reinscription of the Territory on the agenda of the United Nations General Assembly. 15/

The representative of France, calling the move unjustifiable, stated that, despite its distance from France, New Caledonia could in no way be considered a Non-Self-Governing Territory. All New Caledonians were French citizens who were able to participate in the process of government. Furthermore, the territorial Assembly, which was elected by universal adult suffrage, had never asked for independence. While France was committed to holding a referendum for self-determination, it could not guarantee that independence would be the future political status chosen by the majority. FLNKS could not claim, any more than any other group in the Territory, the right to determine the destiny of all. 16/

On 2 December 1986, the General Assembly adopted the draft resolution by 89 votes to 24 with 34 abstentions as resolution 41/41 A (see annex I).

The question of New Caledonia was first considered by the Special Committee on 17 March 1987 at its 1987 session. The Committee, after hearing statements by representatives of FLNKS, and by Fiji, on behalf of the South Pacific Forum members, as well as by representatives of Papua New Guinea, the Solomon Islands and Vanuatu, adopted a statement prepared by the Acting Chairman which requested the Government of France, as the administering Power concerned, to participate in its proceedings and to transmit information on New Caledonia as called for under Article 73 e of the Charter. 17/ The Committee also urged France, in consultation with the people of New Caledonia and in co-operation with the Special Committee, to prepare the Territory for a free and genuine act of self-determination in accordance with United Nations principles and practices and to inform the Committee in detail of any actions which it proposed to take in that regard.

On 14 August 1987, the Special Committee gave further consideration to the item. After hearing a representative of FLNKS again, as well as several petitioners, and following statements by the representatives of Samoa, Papua New Guinea, New Zealand, the Solomon Islands, Australia, Vanuatu and Fiji, 18/ the Special Committee, by a vote of 18 to one with five abstentions, adopted a draft resolution submitted by Fiji. 19/ The resolution affirmed the inalienable right of the Territory to self-determination and independence, as well as the obligation on the part of France to transmit the information called for under Chapter XI of the Charter; regretted that the Government of France had not responded to the call to submit such information; considered that the peaceful transition of New Caledonia to self-determination and independence should be undertaken in a manner guaranteeing the rights and interests of the people of the Territory; declared that progress towards a long-term political solution in New Caledonia required a free and genuine act of self-determination consistent with United Nations principles and practices in which all options should be made available and which should be preceded by an impartial political education campaign; and called upon France to resume dialogue with all sections of the population of New Caledonia and to institute economic and social development programmes to benefit all the people throughout the Territory.

The Fourth Committee of the General Assembly debated the question of New Caledonia in October 1987. During the debate, the representative of France stated that the referendum of 13 September complied fully with the principles of the United Nations regarding self-determination and charged that certain countries of the South Pacific Forum were trying to use the United Nations to impose a solution upon New Caledonia, which the New Caledonians themselves had rejected. France indicated it would continue to oppose meddling by certain States, as well as any action which would negate the choice made by the New Caledonians in the referendum. 20/

Before taking action on the resolution contained in the report of the Special Committee, the Fourth Committee heard statements of Mr. Tjibaou, President of FLNKS, 21/ and Senator Dick Ukeiwe, President of the territorial Congress of New Caledonia and representative of the Territory in the French Senate, as well as a French delegate to the General Assembly at its forty-second session.

On 28 October, the Committee approved the draft resolution recommended by the Special Committee by a vote of 69 in favour to 27 against, with 46 abstentions.

On 4 December 1987, the General Assembly adopted the draft resolution on New Caledonia recommended by its Fourth Committee, by a recorded vote of 69 to 29 with 47 abstentions as resolution 42/79 (see annex II).

Notes

- 1/ Nouvelle Calédonie, Documentation française 1987, p.22.
- 2/ Le Monde (Paris), 5 January 1985.
- 3/ Ibid., 22 March 1985.
- 4/ Nouvelle Calédonie, Documentation française 1987, p.24.
- 5/ A/42/417.
- 6/ Nouvelle Calédonie, Documentation française, 1987, addendum.
- 7/ Agence France-Presse, 25 November 1987.
- 8/ For further details, see document A/AC.109/892/Add.1.
- 9/ The local currency of the Territory is the CPF franc (comptoir français du Pacifique). It is distinct from the French franc, but is not traded on international money markets. One hundred CFP francs equal 5.50 French francs.
- 10/ The list was compiled on the basis of information contained in replies sent by Member States to a letter from the Secretary-General requesting them to enumerate the Non-Self-Governing Territories under their jurisdiction on which they would transmit information under Article 73 e of the Charter.
- 11/ Yearbook of the United Nations, 1949, (United Nations publication, Sales No. 1950. I. II), p. 731.
- 12/ A/AC.109/879.
- 13/ A/AC.109/887.
- 14/ Draft resolution A/41/L.33 sponsored by Afghanistan, Algeria, Antigua and Barbuda, Australia, Bahamas, Barbados, Belize, Botswana, Brunei Darussalam, Burkina Faso, Chile, Democratic Yemen, Fiji, Ghana, Guyana, Indonesia, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, New Zealand, Papua New Guinea, Philippines, Samoa, Singapore, Solomon Islands, Uganda, Vanuatu, Viet Nam, Zambia and Zimbabwe.

15/ A/41/PV.90.

16/ A/41/PV.91.

17/ A/AC.109/PV.1313.

18/ A/AC.109/PV.1328.

19/ A/AC.109/931. (The voting was as follows:

In favour: Afghanistan, Bulgaria, Chile, China, Congo, Cuba, Czechoslovakia, Ethiopia, Fiji, India, Indonesia, Islamic Republic of Iran, Sweden, Syrian Arab Republic, Union of Soviet Socialist Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Côte d'Ivoire;

Abstaining: Iraq, Mali, Sierra Leone, Trinidad and Tobago and Tunisia.)

20/ A/C.4/42/SR.17.

21/ A/C.4/42/SR.11.

22/ A/C.4/42/SR.12.

ANNEX I

GENERAL ASSEMBLY RESOLUTION 41/41 A of 2 DECEMBER 1986

Implementation of the Declaration on the Granting  
of Independence to Colonial Countries and Peoples

A

The General Assembly,

Recalling its resolution 66 (I) of 14 December 1946, in which the General Assembly noted that information had been transmitted by Member States regarding Non-Self-Governing Territories, including information transmitted by the Government of France on New Caledonia and Dependencies, under Article 73 e of the Charter of the United Nations,

Aware that the Government of France has not transmitted any further information regarding New Caledonia and Dependencies since 1946,

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 1541 (XV) of 15 December 1960, the annex to which contains the principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter,

Noting the decision of the Heads of Government of the member States of the South Pacific Forum, taken at their meeting held at Suva from 8 to 11 August 1986,

to seek the reinscription of New Caledonia on the United Nations list of Non-Self-Governing Territories, 1/

Noting also the decision of the Eighth Conference on Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986, whereby the heads of State or Government strongly urged the General Assembly, at its forty-first session, to reinscribe New Caledonia on the list of Non-Self-Governing Territories and agreed to act together in pursuing this objective, 2/

1/ A/41/668.

2/ See A/41/697-S/18392, annex, sect. I, paras. 151 and 152.