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Future Work

Study on decolonization of the Pacific region**

Note by the secretariat

Pursuant to a decision of the Permanent Forum on Indigenous Issues at its eleventh session (see E/2012/43, para. 110), Valmaine Toki¹, a member of the Forum, undertook a study on decolonization of the Pacific region, which is hereby submitted to the Forum at its twelfth session.

* E/C.19/2013/1.

** The Department of Economic and Social Affairs of the United Nations (UN/DESA) bears no responsibility for the views and recommendations in this report.

¹ The author wishes to thank Joshua Cooper for his contribution to this study.

I. Introduction

1. In recognition of the negative effect that colonization and the Doctrine of Discovery bore on indigenous peoples and their communities, the United Nations Permanent Forum on Indigenous Issues (Permanent Forum) held a panel discussion during its eleventh session entitled The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests (articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples). There has been extensive discussion on the Doctrine of Discovery, its historical development, past and present impacts, the different ways it has affected and continues to affect and impact on indigenous peoples, as well as the relationship between governments and indigenous peoples. It is without question that the Doctrine of Discovery has had a detrimental effect on all indigenous peoples. The implementation of this doctrine was used as an instrument to alienate indigenous peoples from their land, resources and culture and continues today in various forms.

2. During the eleventh session the Permanent Forum recalled the fourth preambular paragraph of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), which affirms that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust. Legal and political justification for the dispossession of indigenous peoples from their lands, their disenfranchisement and the abrogation of their rights such as the doctrine of discovery, the doctrine of domination, “conquest”, “discovery”, terra nullius or the Regalian doctrine were adopted by colonizers throughout the world. While these nefarious doctrines were promoted as the authority for the acquisition of the lands and territories of indigenous peoples,

there were broader assumptions implicit in the doctrines, which became the basis for the assertion of authority and control over the lives of indigenous peoples and their lands, territories and resources. Indigenous peoples were constructed as “savages”, “barbarians”, “backward” and “inferior and uncivilized” by the colonizers who used such constructs to subjugate, dominate and exploit indigenous peoples and their lands, territories and resources.²

3. In view of the detrimental effects of colonization and the Doctrine of Discovery on indigenous people together with the call by the Permanent Forum upon States to repudiate such doctrines as the basis for denying indigenous peoples’ human rights; this study discusses a set of case studies that highlight the impetus for the right of self-determination and decolonization for indigenous peoples of the Pacific region. This study will trace the core connections between the Doctrine of Discovery and the colonization process coordinated by countries, churches and trading corporations. It will also illustrate the initiatives by indigenous peoples to coordinate decolonization campaigns rooted in international human rights law.

II. Special Committee on Decolonization

4. In an effort to hasten the progress of decolonization the *Declaration on the Granting of Independence to Colonial Countries and Peoples* was adopted by the United Nations General Assembly Resolution 1514 (XV) on 14 December 1960. This Declaration recognized that no peoples should be subjected to domination and exploitation³ and that all peoples have the right to self-determination; and by virtue of that right they freely determine their political status and

² E/2012/43, para. 4.

³ Article 1.

freely pursue their economic, social and cultural development.⁴ Article 5 of this Declaration provided:

Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

5. In 1962, the Committee on Decolonization (also known as the United Nations Special Committee of the 24 on Decolonization, the Committee of 24, or simply, the Decolonization Committee) was created with the purpose of monitoring implementation of the *Declaration on the Granting of Independence to Colonial Countries and Peoples*.⁵ The Decolonization Committee is, a United Nations entity, exclusively devoted to the issue of decolonization and annually reviews the list of Non-Self Governing Territories to which the Declaration is applicable and makes recommendations as to its implementation.

6. The list of Non-Self Governing Territories was initially prepared in 1946⁶ and a set of criteria for determining whether a territory could be considered as non-self governing and placed on the list was established in General Assembly Resolution 1541 (XV) in 1960. The twelve criteria included whether territories are known to be of the colonial type; whether the territory is geographically separate and distinct ethnically and/or culturally from the country administering it; additional elements such as whether the territory performed their own administrative, political, juridical, economic or historical functions were also considered.

⁴ Article 2.

⁵ See <http://www.un.org/en/decolonization/history.shtml>.

⁶ See Chapter XI of the United Nations Charter.

7. Once this was determined, and it was established, that the relationship between the State and the territory was one of disadvantage or placed the territory in a position of subordination to the State, this satisfied the criteria to be on the list. Further criteria identified three positions of self-governance; first emergence as a sovereign independent State; secondly free association with an independent State and third integration with an independent State.

8. This list has been updated by the United Nations General Assembly following recommendations from the Decolonization Committee. In some instances States, whom administered a dependent territory, could remove a territory from the list unilaterally or by vote of the United Nations General Assembly.

9. In 1988 the General Assembly approved the report of the Decolonization Committee⁷ and considered it incumbent on the United Nations to continue to play an active role in the process of self-determination and independence and to intensify its efforts in mobilizing international public opinion in support of complete decolonization.⁸ During the same meeting the General Assembly proclaimed 1990-2000 as the International Decade for the Eradication of Colonialism⁹ and in 1991 declared that the ultimate goal for the eradication of colonialism is the free exercise of the right of self-determination of each and every remaining Non Self Governing Territory.¹⁰ A concrete Plan of Action was adopted to further the realization of the objectives.¹¹

⁷ UN 59th Plenary Meeting 22 November 1988 Resolution 43/46 Dissemination of information on Decolonisation at point 1.

⁸ UN 59th Plenary Meeting 22 November 1988 Resolution 43/46 Dissemination of information on Decolonisation at point 2.

⁹ UN 59th Plenary Meeting 22 November 1988 Resolution 43/47 International Decade for the Eradication of Colonialism at point 1.

¹⁰ UN 78th Plenary Meeting 19 December 1991 Resolution 46/181 International Decade for the Eradication of Colonialism at point 2.

¹¹ UN 78th Plenary Meeting 19 December 1991 Resolution 46/181 International Decade for the Eradication of Colonialism at point 4.

10. Noting the endorsement of the proposed declaration of a new decade for the eradication of colonialism, by the participants in the Pacific regional seminar organized by the Decolonization Committee to review the political, economic and social conditions in the small island Non-Self-Governing Territories, in 2001, the United Nations proceeded to proclaim the Second International Decade for the Eradication of Colonialism for 2001 - 2010.¹²

11. Noting that the participants in the Pacific regional seminar held in Nouméa from 18 to 20 May 2010 called for the Decolonization Committee to propose the declaration of a further decade for the eradication of colonialism; and recalling resolution 64/106 of 10 December 2009, in which it reconfirmed the need to take measures to eliminate colonialism by 2010, the General Assembly, on 10th December 2010 declared the period 2011-2020 the Third International Decade for the Eradication of Colonialism.¹³

12. In 2012 the closing remarks of the Special Committee Chairman Diego Morejon-Pazmino (Ecuador) noted:

“the Third International Decade could not be a ‘lost decade for decolonization’. The haunting spectre of colonialism needed to be confronted. The Committee must explore how to advance the process by taking into account current realities and prospects. The Third International Decade asked from the international community nothing less than steadfast support to the Non-Self-Governing Territories in establishing viable conditions of self-government on the ground, on a case-by-case basis. Territories should be empowered to exercise their will on their respective political status through an internationally

¹² UN 55/146. Second International Decade for the Eradication of Colonialism A/RES/55/146.

¹³ UN 65/119. Third International Decade for the Eradication of Colonialism 62nd plenary meeting 10 December 2010 A/RES/65/119.

recognized act of self-determination, eventually leading to their delisting by the General Assembly.”¹⁴

13. The philosophies and principles in the Doctrine of Discovery are at the root of denial of the human rights of indigenous peoples, specifically, the right of self-determination, in the 21st century. In the third international decade, an examination through the narrative of the UN Declaration on the Rights of Indigenous Peoples might provide future direction for indigenous peoples pursuing their fundamental freedoms that have been historically denied. It will be important for the Decolonization Committee to interact with UN bodies dealing specifically with indigenous peoples. The Decolonization Committee could interact with the annual Permanent Forum sessions and propose an expert workshop in the future. The Decolonization Committee might also contribute to a possible study.

14. Of the sixteen non-self-governing territories, four are Pacific nations, New Caledonia, Tokelau, Guam and American Samoa. These four nations are currently on the list for active consideration by the Committee. Pacific Island nations not on the list but seeking consideration include French Polynesia, Hawaii, and Western Papua New Guinea. It is important to note that Hawaii was on the list of non-self-governing territories and was removed after a referendum in 1959. However, the UN criteria were not fully met for removal from the list. Therefore, Kanaka Maoli, the Native Hawaiians, contest the removal since it did not meet the legal criteria as established by the Decolonization committee.

III. Relevant articles of the United Nations Declaration on the Rights of Indigenous Peoples

¹⁴ <http://www.un.org/News/Press/docs/2012/gacol3244.doc.htm>.

15. Article 3 of the United Nations Declaration on the Rights of Indigenous People provides that: “indigenous peoples have the right of self-determination” and by virtue of that right they can “freely determine their political status” and “freely pursue their economic, social and cultural development”. Article 4 provides that “in exercising their right to self-determination”, Indigenous peoples have the “right to autonomy or self-government in matters relating to their internal and local affairs”.

16. Article 4, articulating the right of indigenous peoples to autonomy and self-government driven by Article 3, affirming the right of self-determination for indigenous peoples provides clear grounds for an application to the Decolonization Committee. In addition articles within the UN Declaration that provide contextual rights for decolonization include article 11 the right for indigenous peoples “to practice and revitalize their cultural traditions and customs” including “the right to maintain, protect and develop the past, present and future manifestations of their cultures.” Article 12 confirms the right for indigenous peoples to “practice, develop and teach their spiritual and religious traditions, customs and ceremonies.” Article 14 articulates the right for indigenous peoples “to establish and control their educational systems and institutions providing education in their own languages.” Article 20 confirms that indigenous peoples have the “right to maintain and develop their political, economic and social systems or institutions.”

17. Importantly Article 26 confirms that indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired and further, that indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

18. Article 4 driven by Article 3 with the additional contextual support of Articles 11, 12, 14 and 26 of the UN Declaration provide clear grounds for ‘decolonization’ of the colonized countries in the Pacific. The Decolonization Committee could examine potential exercises of engagement with indigenous peoples to realize these rights on a case-by-case basis or entertain a conference or series of seminars in the Pacific region.

IV. Brief Snapshot of the Pacific

19. The Pacific is a varied and rich area comprising of many nation states.¹⁵ When the majority of states adopted the United Nations Declaration on the Rights of Indigenous Peoples, in 2007¹⁶, Australia and New Zealand were two of the four dissenting states.¹⁷ Among the eleven overall abstentions was, one Pacific Nation, Samoa. This position has now changed. Australia, New Zealand and Samoa have all declared their support for the UN Declaration. Amongst the 34 non-voting states were 11 Pacific Nations; Fiji, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Due to the pervasive and widespread occurrence of colonization experienced throughout the Pacific, this relatively high rate of non-

¹⁵ The “Pacific” includes the 16 members of the Pacific Island Forum (Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand [including Tokelau] Niue, Palau, New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Vanuatu), the three French territories (French Polynesia, New Caledonia, Wallis and Futuna) the United States territories (American Samoa, Guam, Northern Mariana Islands), Timor Leste and West Papua.

¹⁶ See General Assembly GA/10612 Sixty-first General Assembly Plenary 107th & 108th Meetings (am & pm) General Assembly Adopts Declaration on the Rights of Indigenous Peoples; “Major Step forward towards Human Rights for all”, says President.

¹⁷ This position has now changed. See Jenny Macklin MP *Statement on the United Nations Declaration on the Rights of Indigenous Peoples Parliament House Canberra 3 April 2009* Available also <<http://www.un.org>> and See (2010) 662 New Zealand Parliamentary Debates 10229 (Hon. Simon Power) or http://www.parliament.nz/en-NZ/PB/Debates/Debates/6/5/a/49HansD_20100420_00000071-Ministerial-Statements-UN-Declaration-on.htm.

adoption of the UN Declaration is arguably reflective of the prevalent colonialist position. The Pacific nations still remain beholden to regional powers through aid. Therefore, they continue the colonialist perspective in proxi due to financial dependence based on historical control in the region.

20. During the 1800s the majority of Pacific Island nations were subjected to a range of European commercial, religious and other interests. These States jostled with each other and the indigenous communities for advantages that they hoped to benefit from including the continuing exploitation of natural resources.¹⁸ By the late 1800s these foreign powers had gained sovereign power over almost all the Pacific Island nations with some Island nations locked into one major source of resource exploitation under colonial administration. Pacific Island nations were continuously viewed in the same lens as the drafters of the Doctrine of Discovery. Thus, justifying the subjugation and seizing of natural resources rooted in colonizing countries, churches or corporations perspectives due to dehumanizing viewpoint of indigenous nations of the Pacific. Even more alarming during this century and lingering until current day, countries competed to seize Pacific Islands States for political, military and financial interests.

V. Colonization in the Pacific

21. After more than a century of colonial rule in the Pacific the imprint on politics, culture and the economy resulted in an uneasy mix of customary and colonial systems of government and administration. The colonial systems of government, education and religion permeated and dominated the indigenous forms of government, education and religion. Many indigenous languages were relegated to the brink of extinction.

¹⁸ R Crocombe “Asia in the Pacific Islands Replacing the West” (ISP Publications, USP, 2007) at p 211.

22. In contrast to other regions, the trend for decolonization in the Pacific does not follow the precedent set by Asia, Africa and the Caribbean. Timing, size, remoteness and economic vulnerability together with factors including the determination of some colonial powers to remain irrespective of the wishes of the indigenous peoples provide a unique backdrop for independence and decolonization of the Pacific.¹⁹ The liquid continent of the Pacific offers important lessons to be learned to meet the aspirations of the UN resolutions on decolonization. Many imperial powers participated in the Pacific over the centuries dividing the cultures of Melanesia, Micronesia and Polynesia according to aspirations of acquisition and assimilation. The Decolonization Committee and the Permanent Forum could co-sponsor studies and expert workshops that could be useful in the third decade. These collaborations could offer relevant research for those seeking solutions in the region.

23. Following the conflict between imperial nations the transfer of colonial rule in the Pacific was common. At the end of the Second World War, all the Pacific countries, with the exception of Tonga, had been colonized and annexed by colonial powers that included Germany, France, United Kingdom, New Zealand, Australia and Spain. Some Pacific countries, such as Palau, endured multiple colonizers Spanish, German, Japanese and now the United States administration.

24. The Netherlands retained West Papua; Chile held Easter Island, Britain held Pitcairn, the Gilbert and Ellice Islands, Fiji, the Solomon Islands together with an informal overlordship of Tonga. France claimed New Caledonia, French Polynesia and Wallis and Futuna. Britain,

¹⁹ B. MacDonald "Decolonisation and Beyond The framework for Post Colonial relationships in Oceania" p. 115.

Australia and New Zealand jointly administered Nauru.²⁰ The United States' territories included the Hawaiian Islands, American Samoa and Guam. The former Japanese colonies of the Northern Marianas, Marshall Islands and Caroline Islands were administered as a United Nations trust territory. New Zealand held Western Samoa, the Cook Islands, Niue and Tokelau.

25. Today, colonizers still in possession of Pacific countries include France who retains control over Wallis and Futuna, New Caledonia and French Polynesia. The United States maintains control over Guam, Hawaii and American Samoa. The US territories of Guam and American Samoa remain on the list of non-self-governing territories with the United Nations (from which Hawai'i was unilaterally removed at the time of statehood in 1959). Chile maintains control over Rapanui and New Zealand over Tokelau.

26. One of the reasons to undertake studies and serious pursuit of the claim of decolonization is the perpetual denial of basic human rights enshrined in the UN Declaration on the Rights of Indigenous Peoples. For example, Article 10 and 30 are both violated in the name of current global situation of security. Guam experiences military build-up that can destroy the cultural fabric of the indigenous Chamorro peoples. Hawaii also has sacred sites serving as live military training facilities. Rapa Nui inhabitants are often referred to as terrorists for peacefully demanding their human rights to be respected.

VI. Process of Decolonization - Case Studies

27. It has been proposed there are three models of decolonization. First, the nations that gained independence by internal pressure on their colonial power (Samoa, Nauru, Vanuatu, Marshall Islands and Palau); second those nations that have had independence forced upon them by the

²⁰ Robert Aldrich (2000). The Decolonisation of the Pacific Islands. *Itinerario*, 24, pp 173-191 doi: 10.1017/S0165115300014558.

colonial power (Fiji, Papua, Kiribati, Tuvalu and the Solomon Islands) and third those nations who have gained independence but retain a continuing diplomatic relationship with the colonial power (Cook Islands, Niue).²¹ Irrespective of the model the end result is the realization of the right for indigenous peoples to self-determination. A seminar or study could be vital to offer valuable insight to Pacific Island States on these three models.

28. In 1962 the first steps of modern decolonization in the Pacific commenced when New Zealand withdrew from Samoa (formerly Western Samoa). Then in 1965 New Zealand also withdrew from the Cook Islands (Rarotonga) and Niue in 1974. Both Rarotonga and Niue are self-governing states in free association with New Zealand. This relationship enables the Cook Islands and Niue to be fully responsible for their internal affairs whilst New Zealand, in consultation, retains some responsibility for external affairs and defense.

29. In 1968 Australia, the United Kingdom and New Zealand withdrew from Nauru. The growing discontent amongst Nauruans was fuelled by the dissatisfaction with receiving inadequate remuneration from Australia for phosphate mining.²² Australia and the United Kingdom withdrew from Papua New Guinea in 1975. The United Kingdom withdrew from Fiji in 1970; Solomon Islands in 1978; Tuvalu in 1978; Kiribati in 1979; and Vanuatu, with the French, in 1980.

30. Due to the vast number and diversity of States that comprise the Pacific, this report will be confined to the following case studies that will trace the steps taken for independence by New Caledonia as an example of a nation currently on the Decolonization List. In contrast the desire of Hawaii, French Polynesia and West Papua for independence will also be discussed.

²¹ M Quanchi "End of an Epoch: Towards Decolonisation and Independence in the Pacific" p 21.

²² M Quanchi "End of an Epoch: Towards Decolonisation and Independence in the Pacific" p 20.

New Caledonia

31. France today retains control of three colonies in the Pacific: Wallis and Futuna, New Caledonia and French Polynesia (the site of 193 nuclear tests at Moruroa and Fangataufa between 1966-96). While the 1998 Noumea Accord in New Caledonia and the 1999 Statute of Autonomy in French Polynesia have seen a shift of powers from Paris to the Pacific, France maintains its sovereignty over the Pacific islands and has delayed a referendum on self-determination in New Caledonia.

32. New Caledonia was annexed to France in 1853, and became an overseas territory of France in 1956. In 1946 the United Nations placed New Caledonia on the Decolonization List of Non-Self-Governing Territories. According to the 2009 census, the Kanaks, the indigenous peoples of New Caledonia constitute 40.3 per cent of the total population of New Caledonia and have consistently pursued independence from French rule.

33. Two Accords between the French and the Kanaks, to attain independence, were entered into. First the Matignon Accord, on 6 November 1988, achieved support of 80 per cent of the French people and provided for a referendum on independence to be held before 1998. The second Accord, Nouméa Accord, was signed between the Kanak and the Socialist National Liberation Front (Front de Libération Nationale Kanak et Socialiste) President and the French Government on 5 May 1998. This provided for a degree of autonomy to New Caledonia that would occur over a transition period of up to 20 years. Progressive changes that were expected from this agreement were in the local political control and structure; the Kanaks would have greater participation over the internal and regional affairs while France would retain sovereign rights including control over military and foreign affairs. This is similar to the arrangement between New Zealand and Niue and the Cook Islands. Intrinsic to the process is an obligation on

the French Government to train and build the capacity of Kanaks to enable a transition into government before the referendum in 2014. To evaluate this progress it was anticipated that a national committee would be established to prepare New Caledonia for a change in leadership.

34. During the recent meeting of the Special Committee on the question of New Caledonia²³ the Special Committee referred to the terms of the draft resolution, noting that the General Assembly would invite all the parties involved to continue promoting a framework for the peaceful progress of the territory towards an act of self-determination in which all options were open and which would safeguard the rights of all sectors of the population, according to the letter and the spirit of the Nouméa Accord, which is based on the principle that it is for the populations of New Caledonia to choose how to control their destiny. It would also have the General Assembly note that the steering committee on the institutional future of New Caledonia has been established and mandated to prepare the basic issues to be decided by referendum, that is, the transfer of sovereign powers, access to full international status and the organization of citizenship into nationality and, in that regard, welcome the five agreements signed in October 2011 between the French authorities and the Government of New Caledonia to organize the transfer of secondary education, with effect on 1 January 2012.

35. Further, the text would have the General Assembly recall the relevant provisions of the Nouméa Accord aimed at taking the Kanak identity more broadly into account in the political and social organization of New Caledonia, noting that the new anthem is used together with the French hymn and that the follow-up committee in 2010 recommended that the French flag and the Kanak flag fly together in New Caledonia. Additionally, the General Assembly would, under the terms of the draft resolution, note the concerns expressed by a group of indigenous peoples in

²³ A/AC.109/2012/L.12.

New Caledonia regarding their underrepresentation in the territory's governmental and social structures and by the representatives of indigenous peoples regarding incessant migratory flows and the impact of mining on the environment.

36. The General Assembly would also welcome the cooperative attitude of the other States and territories in the region towards New Caledonia, its economic and political aspirations and its increasing participation in regional and international affairs and would decide to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord.

37. The committee's chair, Dr Donatus St. Aimee, noted if small territories decide it is in their interest to maintain a connection with their colonizer that should be respected. But he also noted size often does not deter smaller groups or territories from seeking independence. "Smallness may not necessarily in itself be an impediment to development. How you approach it would be the deciding factor. It is not just an issue of the independence; it is an issue of what kind of a relationship you want with the administrative power in terms of the maintenance and preservation of your culture."

38. For the indigenous peoples of New Caledonia it has been a long and arduous path to self-determination. Notwithstanding the difficulties the process is firmly on track for the realization of the fundamental right of self-determination. It would be disingenuous if support was withheld. Indigenous peoples also pursued an approach of peaceful means in the face of violent reprisals to create a rule of law solution. This is important to include in future reviews of Decolonization in the Pacific as many forces for fundamental freedoms continue to face reprisals that haunted their ancestors against claims based on the Doctrine of Discovery, specifically the Kanaky people. It was when their political leaders such as Tjibao held prominent positions in the church that a

reversal of that position eventually changed. Until then, it remained a reason for States to continue the status quo in the Pacific.

French Polynesia

39. French Polynesia (Te Ao Maohi) is comprised of five distinct island chains, the Society Islands (both “Windward” and “Leeward”), the Marquesas Islands, the Tuamotu Islands, the Austral Islands, and the Gambier Islands, stretching across one million square miles of ocean. The majority of French Polynesia's residents dwell on the “Windward” Society Islands, a chain containing the two most populated islands, Tahiti and Moorea.²⁴ Indigenous peoples are the majority group in French Polynesia, comprising 66 per cent of the population, with the Europeans; mostly French comprise 12 per cent and other ethnic groups 22 percent.²⁵

40. In 1842 France declared Tahiti and the Marquesas a French protectorate. In 1880, France negotiated an agreement with the Queen's son and heir, Pomare V, to purchase the islands, transforming the protectorate into an officially recognized colony. In 1958, France reclassified the colony as an overseas territory of the French Republic.

41. French Polynesia maintains its own territorial government, complete with its own President and a legislative Territorial Assembly with representatives from throughout the islands. As part of the French Republic, French Polynesia holds two seats in the French Assembly and sends one representative to the French Senate. Despite this gesture to the ideal of autonomy, the French government, represented by a High Commissioner of the Republic in Tahiti, continues to

²⁴ Recupero Casey, *Cultural Survival Quarterly* 24.1 (Spring 2000) Problems in Paradise: Sovereignty in the Pacific, April, 2010 <http://www.culturalsurvival.org/ourpublications/csq/article/tentative-steps-tahiti>.

²⁵ Makiko Kuwhara *Tattoo: An Anthropology* Oxford International Publishers, United Kingdom, 2005, p. 29.

retain responsibility over issues such as law enforcement, property, and civic rights.²⁶ In a recent election, Oscar Temaru's pro-independence progressive coalition, Union for Democracy, formed a government with a one-seat majority in the 57-seat parliament, defeating the conservative party, Tahoera'a Huiraatira, led by Gaston Flosse; strengthening the position for independence.

42. In 1946, French Polynesia was removed, by Paris, from the list of non governing territories. The Progressive Coalition is now taking steps for reinstatement on the list to be considered by the Decolonization Committee. This has strong support from the Pacific Conference of Churches, the Women's International League for Peace and Freedom, the Non Aligned Movement, the Melanesia Spearhead Group and the World Council of Churches.

43. In seeking their right to self-determination and independence, the Progressive Coalition requires the support from the United Nations General Assembly for reinstatement on the Decolonization List. Bearing in mind French Polynesia had satisfied the criteria set down in Resolution 1541 and initially on the List, together with the support, and the right of self-determination articulated in Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples, this provides compelling grounds for support by the General Assembly for reinstatement on the list. The most recent conference, 5-6 July 2012, sponsored in partnership with the Club de Madrid suggested the need for more research and future efforts in Tahiti and the region.

Hawaii

44. The colonization of Hawaii is colourful and chequered from the arrival of the British, Euro-American and Asian immigration, the overthrow of the Hawaiian monarchy to admission

²⁶ Recupero Casey *Cultural Survival Quarterly* 24.1 (Spring 2000) Problems in Paradise: Sovereignty in the Pacific, April, 2010
<http://www.culturalsurvival.org/ourpublications/csq/article/tentative-steps-tahiti>.

to the United States as a Territory and then as a State. Despite this chequered path the quest for Hawaiian independence continues today through various groups. Notwithstanding the different groups the focus is the same, that of self-governance and self-determination as an independent nation or through a relationship similar to tribal sovereignty in the United States. In recognition of the close economic ties with the United States there is also agreement that an incremental approach be adopted.

45. Hawaii like French Polynesia was originally on the list of non-self-governing territories with the United Nations until Hawai'i was unilaterally removed at the time of statehood in 1959. It is acknowledged that in 1993 President Bill Clinton apologized on behalf of the American people for the government's role in the overthrow of the Hawaiian monarchy. It is suggested that this apology should provide a fertile platform to re-engage dialogue between the Hawaiian independence movements and the government focusing on the commonalities sought such as self-governance and self-determination. These terms can be manifested in different vehicles; the key is to begin open and meaningful dialogue. Hawaii offers the lessons for the United Nations to understand its responsibility to indigenous peoples. All of its own standards were not met when changing the status and condition of the peoples. Questions arising to moral and legal obligations could be valuable in the third decade.

Western Papua

46. The indigenous peoples of West Papua are struggling for their right of self-determination and independence. The urgency to address their issue is heightened by the reports of violence as noted in the Universal Periodic Review of the Office of the High Commissioner on Human Rights in June 2012.²⁷

²⁷ A/HRC/21/7 Report on Indonesia 5 July 2012.

47. According to Akihisa Matsuno, a professor at the Osaka School of International Public Policy who specializes in Indonesia:

“In my opinion, what’s happening in West Papua amounts to genocide, both physical and cultural... At the very least we have to say this is a crime against humanity in terms of a systematic annihilation of the civilian population that is intentional, widespread and on going.”

48. These current injustices provide additional reasons for supporting claims of independence; claims that are sourced from historical wrongs. Like all Pacific Nations Papua, in 1828, was subjected to colonization first by the Dutch. In 1944, it was agreed that the West New Guinea administration (Netherlands New Guinea) would be placed onto the Decolonization list on Non Self Governing Territory 1945 - 1999.²⁸

49. In January 1961 elections were held, however, the New York Agreement was signed between the Netherlands and Indonesia and the United Nations in August 1962, which provided for the trade of West New Guinea to Indonesia. The New York Agreement fettered the application to the Decolonization Committee with a seven year delay.

50. Bearing in mind West Papua had satisfied the criteria set down in Resolution 1541 and initially on the List of Non Self Governing Territories for consideration by the Decolonization Committee, together with the right of self-determination articulated in Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples, this provides clear grounds for support by the General Assembly for reinstatement on the list.

51. In view of the human rights violations, urgency is recommended. Regarding West Papua, the significance of severe human rights violations such as death and perpetual discrimination

²⁸ Trust and Non Self Governing Territories, 1945-1999. <http://www.un.org/en/decolonization/nonselvgov.shtml#n>.

requires action. The indigenous peoples of West Papua cannot even raise their flag or meet in large assemblies without reprisals that violate many human rights enshrined in the UN Declaration on the Rights of Indigenous Peoples. The UN Declaration on the Rights of Indigenous Peoples might offer a path toward reconciliation in many of the examples reviewed in this study.

VII. Conclusions and Recommendations

52. It is undisputed that colonization has been detrimental to Pacific Island nations. It is undisputed that indigenous peoples have a right to self-determination. It is also undisputed that decolonization of the Pacific is problematic. Despite the third decade of Decolonization there are still Pacific Island nations seeking independence from the colonizers.

53. New Caledonia, French Polynesia, Hawaii and West Papua all represent Pacific Island nations seeking the right of self-determination. All have encountered a problematic process and many experiencing unacceptable human rights violations further exacerbating this process. Notwithstanding these problems there is a process to seek decolonization through the Decolonization Committee. In view of the important process the Committee is tasked with, it is recommended that adequate funding continue.

54. In view of the problems it is further suggested that a relevant United Nations agency should consider convening an expert group meeting on Decolonization of the Pacific to work in conjunction with the Decolonization Committee to assess these applications for independence.