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SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

**Pacific regional seminar on the implementation of the Second International Decade for
the Eradication of Colonialism: assessment of decolonization process in today's world**

**Nouméa, New Caledonia
18 to 20 May 2010**

STATEMENT

BY

Agence Kanak de Développement

(Mr. Sarimin Jacques Boengkih, New Caledonia)

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Pacific Regional Seminar :

"Implementation of the Second International Decade for the Eradication of Colonialism: assessment of decolonization process in today's world".

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Presentation by

Mr Sarimin J. Boengkih
Agence Kanak de Développement
Noumea, New Caledonia

Mr. Chairman, distinguished delegates, excellenciens, ladies and gentlemen,

First of all I wish to thank you Mr. Chairman and the Secretariat of the Committee for extending to my organisation an invitation to attend the 2010 Pacific Regional Seminar.

Allow me to also express my gratitude to the President of the Government of New Caledonia for hosting the Seminar. It was at the 2004 Pacific Regional Seminar taking place in Madang, Papua New Guinea, that your predecessor, Ambassador Robert Guba Aisi, then Chairman of the Special Committee asked your servitor to check with the Government of New Caledonia if there was any possibilities that New Caledonia as a Non-Self Governing Territory could host the 2006 Pacific regional Seminar. The proposal came after the 2003 Caribbean Regional Seminar was held for the first time in a Non-Self Governing Territory of the United Nations' list.

Unfortunately, we did not succeed, it might have been too soon.

Today one has to congratulate the President of the Government of New Caledonia for allowing the decolonisation process to make another step forward.

Our sincere thanks to you, Mr. Chairman, and to the President of the Government of New Caledonia for convening this important meeting in this Non Self-Governing Territory where the very mention of the Committee name generates a particularly negative reaction as many think that the Committee is only interested in seeking immediate independence for New Caledonia.

Mr. Chairman, we should all appreciate the positive measures adopted by the Government of France, the administering power, to drive the Territory of New Caledonia onto the path to political emancipation. Today, apart from what it is called here the "regalian powers", New Caledonia can enjoy a certain level of self-governance, as other governmental powers are being shared between the Government of New Caledonia and the Executive of each of the three Provinces.

Here we are today to assess the decolonisation process for New Caledonia in today's world. From our view, as long time Human Rights promoter the decolonisation process specific to this Territory is not pursuant to the United Nations decolonisation principles and practices, and that is in many aspects.

I will not repeat here all the aspects that I have described during the Madang 2004 Pacific Regional Seminar. I will just mention two aspects of the kind that the General Assembly of the United Nations has constantly denounced as major obstacles to the genuine exercise of the right to self-determination and independence of the people of the listed Territories : Immigration policies that still facilitate the entry and settlement of new migrants and military bases, activities and manoeuvres still being developed.

In the evaluation of the decolonisation process we wish to insist on the impact of the partitioning of the Territory into three provinces, presented by the administering power as a mean to balance administrative and economic powers between the Kanak people's political party, FLNKS and the settlers party, then called RPCR.

Mr. Chairman, one can say that the Matignon-Oudineau accord initiated a peaceful period strengthened by the Noumea accord ten years after. More and more economic activities are under development in the Northern Province. The Loyalty Island Province seems to open paths to tourist activities and fishing. However, the Southern Province remains the most rich, developed province and the Audit Office criticised the fact that the Southern Province receives the biggest part of public fund investments.

However, today one can see clearly that, instead of respecting the integrity of the colonial people's national territory as Resolution 1514 (XV) calls for, the two accord created and strengthened the three provincial entities with powers transferred directly from the French State to the Provincial Assembly. Today, New Caledonia has become a French Overseas Collectivity divided into three "Territorial collectivities" that are the provinces.

Each Province has a geographic territory, a population that is defined as the population of the province, and the province has a structured political organisation (Provincial Assembly and Executive), three qualifications that entitle the population of the province – through its elected representatives – to decide, under Article 53 of the French Constitution, to whether to integrate the French State and become a French Overseas Department as Martinique or Guadeloupe are, or to secede from France.

A partition that facilitates the exploitation of natural resources that does not profit neither the country nor the population at large.

Therefore, with due respect to the powers enjoyed by the elected governments vis a vis those of the administering power, we believe that the decolonisation process cannot be in the only hands of that administering power. We wish that the Committee to continue to monitor the decolonisation process and make sure that all Resolutions adopted by the UN General Assembly, the UN principles and practices being respected as main guidelines for the decolonisation process.

Mr. Chairman, we wish to present here some of the suggestions and proposals that our organisation can make to further the cause of decolonisation.

New Caledonia is on the path to become a "State", with a young population that makes more than half of the total population. Let us give its future the chance to enjoy a true democracy strengthened by a genuine decolonisation process and a genuine exercise by the colonised people of their right to self-determination.

And we believe that future needs the development of "good governance" with special emphasis on the devolution of power to civil society.

Education of the population with regards to decolonisation process and rights to Self-determination

Programmes to inform and educate the people on their rights to self-determination and independence should be carried on, via all means and to reach all people including the most remote communities. These programmes will take account the different languages spoken by the communities that do not handle French, the official language, enough to understand what can be at stake.

Rights of the Indigenous peoples

The education programmes on self-determination should also include education on the rights of the Indigenous peoples as enshrined in the United Nations Declarations adopted by the General Assembly on September 13, 2007. A declaration that the Government of France has supported, a Declaration that most States have adopted, including those who were opposed to in 2007, Australia, Aotearoa-New Zealand. Two States with an indigenous people representing 18% of the total population for Aotearoa-New Zealand and 2.5% for Australia. New Caledonia with an Indigenous People that represents 45% of the total population should not have any difficulties in adopting the UNDRIP.

Governance

Good governance emerged in efforts to explain the post-independence political instability in the Pacific Region.

In New Caledonia, as for other Pacific countries with diverse cultures, sub-national loyalties and scattered populations, there are constant challenges to government legitimacy and "state" unity.

As any Pacific countries with small populations, New Caledonia local government face criticism for large public sectors, nepotism, and lack of voice for civil society.

In a country with a such large indigenous populations a debate must take place over how traditional governance structures could fit with western ideas of good governance. Development policymakers must pay attention to indigenous cultural practices, as traditional leaders can be a primary means of local governance and can provide stability. Different contexts require different approaches to acknowledging traditional governance and ensuring the human rights and fundamental freedom of the indigenous people. Many questions remain, such as :

- How can cultural practices and indigenous self-government articulate with governmental institutions at "national", provincial and local levels ?
- How do we deal with traditional structures that may not display equality in gender ?
- How do attempts to formally incorporate traditional structures in government run the risk of changing the nature of traditional leadership ?

Transparency versus corruption. It takes two to tango and in corruption this means that one party must be giving bribes for another party to take them.

To avoid any risks of corruption that can be seen elsewhere, all actors must be involved in governance. All other actors than government are grouped as part of the civil society. This includes community associations, NGOs, and all others that may have a role in or be influenced by decision making. It is world wide recognised that governance improvements can be undermined if civil society is unable to demand accountability for decisions made. No democracy can function without active citizens and this needs to be more than just signing a voting ballot every three or five years.

To conclude Mr. Chairman,

We call upon the Seminar to request all UN agencies and bodies to assist the people of New Caledonia in all ways to ensure their economic, social, constitutional and political development, as New Caledonia is eligible to UN agencies assistance since it has been listed as a Non Self-Governing Territory. Almost a quarter of a century after the UN General Assembly decision, not much of that assistance has been delivered.

We call upon the Government of New Caledonia to adopt the United Nations Declaration on the Rights of the Indigenous Peoples and consult and cooperate in good faith with the indigenous peoples through their own traditional representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

We ask both, the Special Committee and the Government of New Caledonia to call on the organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, *inter alia*, of financial cooperation and technical assistance.

Our suggestions are respectfully presented in this light, and we stand ready to assist the committee and the Government of New Caledonia in the achievement of true self-determination for the people of New Caledonia.

I thank you Mr. Chairman.