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THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Caribbean regional seminar on the implementation of the Third International Decade
for the Eradication of Colonialism: first quarter review of developments and trends

Quito, Ecuador
28 to 30 May 2013

DISCUSSION PAPER

PRESENTATION

BY

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(PRESENTED BY SKYPE BY MS. STÉPHANIE GRAFF)

(NEW CALEDONIA)

Caribbean Regional Seminar 2013
Third International Decade for the Eradication of Colonialism: First quarter review of
developments & trends
Special Committee on Decolonization
United Nations
Quito, Ecuador
28-30 May 2013

Mr. Julien Boanemoui
Representing Mr. Roch Wamytan
New Caledonia

Decolonization and the right to vote
in Kanaky/New Caledonia

Text written by Mr. Roch Wamytan

Biography

Roch Wamytan is a Kanak politician and traditional chief advocating Independence for New Caledonia; he was born on 13 December 1950 in Noumea and has four children. He is a member of the Caledonian Union (Union Calédonienne) and the Kanak and Socialist Front for National Liberation (FLNKS-Front de Liberation National Kanak et Socialiste).

Signatory to the Noumea Accord (1998) as President of the FLNKS, Roch Wamytan is now First Vice-President of the Congress of New Caledonia since his election to that office on 29 August 2012.

Previously, Roch Wamytan has been President of the Congress (2011-2012), Chairman of the Melanesian Spearhead Group (2001-2003), Vice-President of the FLNKS responsible for International Relations (1990 – 1995), President of the FLNKS (1995-2001), President of the Caledonian Union (1999-2001), Minister of the Government of New

Caledonia responsible for Customary Affairs (1999 – 2001 and 2002-2004) and, President of the FLNKS group in the Congress of New Caledonia (1989 – 1995, 2009 – 2011).

Since July 1987, he has also been the High Chief of the district of Pont-des-Français, Saint Louis village, in the municipality of Mont Dore. As such, he is a member of the Advisory Customary Council of its customary region, the Djubea-Kapone region.

Mr. Julien Boanemoi currently represents the Caledonian Union in the political office of the FLNKS. He is also the deputy secretary of the Caledonian Union. In addition, he is President of the Federation of GDPL (Special Local Law Groupings) and alderman in the city of Bourail. He is a former President of the Customary Senate (2009-2010) and of the Council of the Ajie Aro Customary Area (2002-2005). He has also been a Senator for the Ajie Aro Customary Area (2005-2010).

Summary

In 1986, New Caledonia was reinstated on the UN list of Non-Self-Governing Territories to be decolonized. It has now reached a critical phase of its history since it is nearing the end of the period covered by the Noumea Accord, signed in 1998 and regarded as governing a process of decolonization. The Accord provides for a referendum on accession to full sovereignty, to be held between 2014 and 2018 depending on the outcome of the provincial elections scheduled for 2014.

Preparations are currently under way for these elections through the completion and review of the electoral rolls constituting the special electorates (for provincial elections and the referendum on self-determination).

The purpose of this presentation is to address the problems encountered recently in the electoral roll review process.

History shows, however, that problems in registering the electorate to vote on the issue of self-determination are recurrent in New Caledonia. They reflect the policy of the French Government, which aims to make the Kanak a minority in order to maintain its sovereignty and interests in New Caledonia and Oceania. This policy can be summarized in a few words: the red line of prohibited Independence.

Text

Introduction

Your Excellency Mr. Chairman,
Distinguished Members of the Special Committee on Decolonization,
Distinguished Representatives of Ecuador,
Ladies and Gentlemen,

Let me begin by congratulating you, Mr. Chairman, on your election and that of members of your office to preside over this important Committee on Decolonization. Let me also acknowledge the immense contribution of your Committee, which has allowed many colonized peoples to gain Independence, and to congratulate you on the adoption of the resolution reinscribing Polynesia on the list of Non-Self-Governing Territories on 17 May 2013. This re-inscription is of great importance for New Caledonia because like us, Polynesia is under colonization by France.

Before setting out before you the difficulties regarding the end of the period covered by the Noumea Accord, signed on 5 May 1998 by the FLNKS (Kanak and Socialist Front for National Liberation), the RPCR (Rally for Caledonia in the Republic-Rassemblement pour la Calédonie dans la République) and the French State, I would like also to thank you very much for inviting us to participate in this important regional seminar. As you may know Mr. Julien Boanemoui was the one who should attend the seminar replacing Mr. Roch Wamytan. But he had travel problems and was blocked in New Zealand. We would like to sincerely apologize for the inconvenience and we would like to express you our gratitude for making this Skype presentation possible. My name is Stéphanie Graff. I am Mr. Wamytan political advisor. I speak to you today on behalf of Mr. Wamytan, signatory to the 1998 Noumea Accord and Vice-President of the Congress of New Caledonia, who has previously been invited as an expert, but who, for schedule reasons, was unfortunately unable to attend the seminar. He is currently involved in consultations in Papua New Guinea in a group of eminent persons, to define a vision for the next 25 years for the Melanesian Spearhead Group regional organization, in which the FLNKS liberation movement, is a full member.

We are gathered today, as we near the end of the first quarter of the Third Decade for the Eradication of Colonialism, to discuss progress with the Action Plan for the Eradication of Colonialism and the advancement of processes of decolonization in the remaining Non-Self-Governing Territories.

New Caledonia was reinstated on the UN list of countries to be decolonized in 1986. It is now entering a critical phase of the decolonization process introduced by the Noumea Accord because we are nearing the end of the Accord period and we are preparing for the 2014 provincial elections, which should lead to the referendum on accession to full sovereignty for the country, between 2014 and 2018.

In preparing for the elections, we are encountering many difficulties as regards the registration of the restricted electorate. We have therefore chosen to focus this presentation on the issue of the special electoral bodies for both provincial elections and the referendum on self-determination. Who votes is of course central to the exercise of the right to self-determination of a colonized people.

We will begin by resituating the historical context through various agreements that have resulted in the definition of special electoral bodies. History itself is marking time because the difficulties with demarcating the electorate for the referenda on self-determination are recurrent and unproductive in New Caledonia.

We then will set out the problems we are facing today before developing what remains a constant feature over time: the policy implemented by the French Government seeking to prevent Independence for New Caledonia. Indeed, these challenges are for us no more than further proof of the State's commitment to doing its utmost to maintain its own sovereignty and defend its interests in New Caledonia.

Because of the history of colonization and contrary to international law, New Caledonia in 2013 is still under colonization by the French Government and thus considered French and European. Since the signing of the Matignon Accords, the French Government has adopted the attitude of an arbitrator between "two communities": one for Independence and

the other anti-Independence. This is a maneuver that can be described as the well-known "pyromaniac / fireman" maneuver. Because the French State is not the arbiter of colonization in New Caledonia, it is the main player in it.

We will conclude by submitting to you our fears for the future but also our hopes and expectations, and the solutions that could be implemented with your support.

Because for us today it is a matter of finding solutions so that, on the one hand, the colonized people can exercise its right to self-determination and Independence in accordance with the historical and political agreements entered into with the State, and consistent with international law on decolonization. But the goal is also to reflect together on the measures to be taken so that colonialism will be eradicated in New Caledonia before the end of the third decade.

1. History of voting rights and the settler colony.

The Kanak People has historically fought for its freedom and independence every step of the way. From 1853 to the present day, our history is one of constant struggle.

. Since 1975, the Kanak People, the colonized people of New Caledonia, has been claiming its right to Independence.

According to the UN, peoples' right to self-determination in the context of decolonization concerns the colonized people. But historically the Kanak have chosen to share this right with others in their country.

In that connection, in 1983, 30 years ago now, during the negotiations at Nainville-les-Roches (France) between representatives of the French State, the Independence Front and the 'Rally for Caledonia in the Republic', the Kanak People, wishing to exercise its right to self-determination, nevertheless agreed to include in the referendum electorate those considered to be "victims of history", in other words the descendants of settlers, convicts and "Communards". It is for this reason that the electorate for the referendum on self-

determination was extended to those to whom the Kanak were willing to reach out to build the future country together.

But the State has been constantly trying to make the Kanak a minority in order to maintain its sovereignty in New Caledonia. This was also why the insurgency began in 1984. The purpose was to boycott the Socialist Minister Georges Lemoine's institutional arrangements ('the Lemoine Status') under which the electorate for the referendum did not honour the commitments given at Nainville-les-Roches.

Similarly, the signing of the Matignon-Oudinot Accords in 1988 and the Noumea Accord in 1998 concerns agreements that are for us steps on the road to Independence, the Independence that will "close this unfinished chapter of history" as stated by the former UN Secretary General, Mr. Kofi Annan on 12 February 2003 with subsequent encouragement from Ban Ki-Moon to accelerate the process of decolonization¹.

The Matignon-Oudinot and Noumea Accords are decolonization agreements, which had the effect of restoring and maintaining peace in New Caledonia. Strictly speaking, they are not peace agreements as some senior French officials have claimed. These agreements were intended to place the Kanak back in a central position, and prepare the country to exercise its right to self-determination by fostering the emergence of a common consciousness within a New Caledonian citizenship arrangement. This in turn has its foundation in the definition of a special electoral body for provincial elections and the special electoral body for the poll on the passage of the territory to full sovereignty.

This special electorate for provincial elections is defined in Article 188² of the Organic Law of 1999 further implementing the Noumea Accord.

¹ Source : Statement by Ban Ki-Moon, on Friday 21 February 2013, at the opening of the annual session of the Special Committee on Decolonization.

² Article 188 : "I. - Congress and the provincial assemblies are elected by an electoral body composed of voters meeting one of the following conditions:

a) Fulfil the requirements to be registered on the electoral lists of New Caledonia established for the poll of 8 November 1998;

b) Be listed on the appended table and have ten years residence in New Caledonia on the date of elections to Congress and the Provincial Assemblies;

The electorate for the provincial elections is different from the electorate for the vote on the attainment of full sovereignty, which is the subject of Article 218³ of the Organic Law.

The provincial elections are, however, of great importance in the decolonization process under way in New Caledonia because, for the electoral process on accession to full sovereignty to be organized by the territory of New Caledonia in 2014, it is required that 3/5th of the members of Congress so decide. Should Congress fail to raise this qualified majority, it is the French State which will organize the vote on accession to full sovereignty as from 2018.

c) Have reached the age of majority after 31 October 1998 and either justify ten years of previous residence in New Caledonia in 1998, or have a parent eligible to vote in the election of November 8, 1998 or have one of their parents listed in the appended table and justify a period of ten years of residence in New Caledonia at the date of the election.

II. Periods spent outside New Caledonia to perform national service, for study or training, or for family professional or medical reasons, for people who were previously domiciled in the country, do not interrupt the period taken into consideration when assessing the residence condition.”

³ Article 218: “Voters registered on the list at the date thereof and who meet one of the following conditions shall be eligible to vote:

- a) Those eligible to cast their vote in the poll on 8 November 1998;
- b) While not being on the electoral list for the vote on 8 November 1998, those who however, fulfil the residence requirement required for voting in this poll;
- c) While not having been able to be registered on the electoral list for the vote on 8 November 1998 due to non-compliance with the domicile requirement, those who can prove that their absence was due to family or medical or professional reasons;
- d) Have had customary civil status or were born in New Caledonia, having had the center of their moral and material interests;
- e) Have a parent born in New Caledonia and have the main focus of their moral and material interests there;
- f) Are able to justify a period of twenty years of continuous residence in New Caledonia at the time of the vote and no later than 31 December 2014;
- g) Being born before 1 January 1989 and having been domiciled in New Caledonia from 1988 to 1998;
- h) Being born on or after 1 January 1989 and have reached the age of majority at the time of the vote and having a parent who met the conditions governing participation in the vote on 8 November 1998.

Periods spent outside New Caledonia to perform national service, for study or training, or for family, professional or medical reasons, for people who were previously domiciled there, do not interrupt the period taken into consideration when assessing the residential condition.”

The independence referendum has been asked for by the pro Independence group since their first independence claim (1975). But the State has constantly put it off, claiming that the country was not ready. So from one agreement to another, the electorate for the referendum has been expanded. FLNKS has accepted many concessions. But today's conflicting interpretations are ushering in disturbing trends. The French Governments' intentions concealed behind virginal neutrality and relayed by those of the anti-independence factions, who are becoming increasingly strident, are continuously pushing further for the expansion of the special electorates. It is imperative that we denounce these abuses that threaten the decolonization process in progress, but that also threaten peace in New Caledonia. The history of decolonization has also shown the need for vigilance when we see what the colonial system has been capable of: excluding indigenous peoples from the right to vote, double college, colony for settlement, real-fake colonial referendums, rigging of lists, etc.

2. Problems and challenges for the registration of the special electorates.

On 29 March 2013, the Policy and Citizenship Committee of the FLNKS and the Labour Party sent you, Mr. Chairman, a letter informing you of the problems concerning the review of the special electoral roll for the provincial elections. We take this opportunity, Mr. Chairman, to thank you for your response to our letter sent on 8 April and in which you encourage us to participate in the seminar to discuss the problems we face and find solutions.

Each year from March 1 to April 16, meetings were held of the administrative oversight committees for the special electoral roll in all 33 municipalities of our country. Those special electoral list review committees are provided for by the Organic Law, in Article 189⁴.

⁴ Article 189: « I. - Voters meet the conditions laid down in Article 188 are on the special electoral roll for the election of Congress and provincial assemblies. This list is drawn from the electoral roll in force and the annexed table on voters which are not allowed to participate in the poll.

II. - A Special Administrative Commission is in charge in each polling station of the establishment of the special electoral roll and appendix table on voters not allowed to participate in the poll. It is composed of:

1° A magistrate of the judiciary designated by the first president of the Supreme Court, Chairman;

2° The administration's delegate appointed by the High Commissioner;

3° The mayor of the city or his representative;

4° Two voters of the municipality, appointed by the High Commissioner, after consultation with the Government of New Caledonia.

In case of a tie in the Administrative Commission, the President shall have the casting vote.

The Commission may consult with one or more representatives appointed by the custom, according to uses recognized, having their domicile in the town and enjoying their electoral rights.

The commission is empowered to make or carry out, through any officer or agent of the judicial police, to all intents and investigations.

III. - The Commission inscribed on the special electoral roll at their request, the eligible voters required by section 188. These people produce any evidence to prove that they meet these requirements.

It also conducts the automatic registration on the special electoral roll of people aged eighteen to the closing date of electoral lists and fulfilling the same conditions. It receives for this purpose the information mentioned in Article L. 17-1 of the Election Code.

An elector who is the subject of a cancellation or refusal of registration or whose registration is challenged is warned without expense and may submit his observations.

IV. - The special electoral roll and Appendix Table are permanent.

They are subject to annual review.

The election is made on the revised list throughout the year following the closure of the list.

During the revision of the special electoral roll before the elections to Congress and the Provincial Assemblies held in their normal term in May, the provisions of Article L. 11-1 of the Election Code are applicable to persons who meet the age condition between the final closing of the special electoral roll and the polling day.

Should the elections to Congress and the Provincial Assemblies are held later in the month of May, are automatically enrolled on the electoral roll of their real home those who meet the age requirement between the last and final closing lists and the election date, provided they meet the other conditions prescribed by law.

When it was done under the provisions of the preceding paragraph, the completed electoral roll accordingly enter into force on the date of the election.

May be placed on the special electoral roll, outside review periods, in addition to the persons referred to in Article L. 30 of the Electoral Code, those that meet during the year conditions as provided for in b and c of I of Article 188. The registration applications filed pursuant to this paragraph shall be accompanied by the necessary justifications, filed with the mayor and shall be forwarded to the committee referred to in II which decides, except for pleas to the court of first instance.

The rectifications to the special electoral list provided for in this Article are made without delay, notwithstanding the closing of the period revision by the commission provided at II. They may be challenged before the Court of First Instance acting in accordance with the provisions of Article L. 25 of the Electoral Code.

V. - The special electoral roll and Appendix Table are updated no later than April 30 of each year and, in the event of dissolution or partial elections, no later than ten days before the election date.

VI. - The provisions of Chapter II of Title I of Book I of the Electoral Code, with the exception of Articles L. 11 L. 16, second to last paragraph of Article L. 17, and Articles L. 17-1, L. 23 L. 37 and L. 40 are applicable to the preparation of the special electoral roll under I.

For the purposes of these provisions, it should be read:

The purpose of these committees is to consider all applications made by persons wishing to be included in the special electoral list and to decide if they can be added to it or not.

Please allow me to provide you with some examples of procedural problems and especially issues with the interpretation of the relevant texts that, we are encountering in the administrative review committees for the special electoral roll:

- FLNKS delegates are always a minority : indeed each committee is composed of five persons, chaired by a judge of the judiciary designated by the First President of the Court of Cassation, on which also sits a representative who is a registered voter nominated by the FLNKS. Decisions are made by a majority process. However, the FLNKS delegates are always in a minority, especially in the municipalities of Southern New Caledonia, which are predominantly non-pro Independence. The other three members of the committee are a representative of the State, a representative of the mayor and a representative who is a registered voter nominated by the RPCR (the RUMP currently).
- Nearly 1870 Kanak people will not be able to exercise their right to self-determination because they are on the Appended Table of voters not eligible to vote in the next provincial elections. But we see the administrative review committees rejecting Kanak persons' applications to vote in the provincial elections. This year again, more than 200 Kanak were placed on the Appended Table of voters not eligible to vote in the next provincial elections;

1° "High Commissioner" instead of "prefect"

2° "Chief administrative subdivision" instead of "sub-prefect" ;

3° "Court of First Instance" instead of "district court."

VII. - Territorial Institute of Statistics and Economic Studies has a general file on voters on the electoral lists of New Caledonia for the election of the President of the Republic, members of the National Assembly, local councils and European Parliament and referendums, this file also has registered voters on the special electoral roll for the election of Congress and provincial assemblies.

To exercise these powers, the Territorial Institute of Statistics and Economic Studies acting on behalf of the state and is under the authority of the High Commissioner of the Republic.

An agreement between the State and New Caledonia establishes rules under this section, in accordance with Law No. 78-17 of 6 January 1978 relating to computers, files and freedoms. "

- In addition, on the basis of biased and oriented interpretations of the text, we see the committees deciding to add to the special electoral roll the names of many voters who, for us, do not meet the requirements of the Noumea Accord, as set out in the Constitutional Law No. 2007-237 dated 23 February 2007.

Once more we record that the procedures are not being followed; many Kanak cannot exercise their right to self-determination by the vote, while others will do it instead of them, although the legislation should not permit it, thus making the Kanak into an even smaller minority for the future poll on achievement of full sovereignty.

As explained by Mathias Chauchat, a New Caledonian Senior Professor of Law⁵, we are seeing more maneuvers and attempts to circumvent the Noumea Accord, including the proposed amendment of the organic law. Mr. Chauchat states that "on the pretext of defining citizenship, which is perfectly well defined down to the name of every individual today, it has again proposed to broaden its scope". This method can make it possible to get round the legal impossibility of backtracking on the frozen electorate through its inclusion in the French Constitution.

No training was provided for the special electoral list review process and none of the necessary material was provided (Appended Table 1998) to help people serve on the list review committees. Members of the FLNKS serving on these committees felt unprepared to face the complexity of the definition of the electoral body and its implementation. Neither was any training or information campaign conducted with the Kanak people, and especially the youth, for them to be fully aware of the steps to take to exercise their right to self-determination. According to the Plan of Action for the Second International Decade for the Eradication of Colonialism, « The United Nations, in cooperation with the administering Powers, should ensure that all acts of self-determination are preceded by adequate and unbiased campaigns of political education. ». This is what we strongly wish to see in the light of the current situation.

⁵ Source : "Note on the citizen electorate" written by Mathias Chauchat after the meeting of 26 April 2013 at the High Commissioner at the initiative of the High Commissioner of the French Republic in New Caledonia.

In addition, it seems very important to add that, as regards the special electorate for the vote on the country's accession to full sovereignty, supposed to take place between 2014 and 2018, and which is defined differently from the special electorate for provincial elections, work has not started on producing this list. The French Government is not providing us with any support although we are between one and five years away from this consultation. It should be remembered that Point 5 of the Noumea Accord specifies that this vote, taking the form of a question to be answered, will focus on "the transfer to New Caledonia of the sovereignty powers, access to international status of full responsibility and the evolution of citizenship into nationality."

A working group chaired by the High Commissioner in New Caledonia is supposed to consider the preparations for this referendum in the coming weeks. In addition, the steering committee on the institutional future of the country established in June 2010 at the meeting of the signatories of the Noumea Accord provides food for thought on the various alternatives in terms of constitutional status.

Vigilance should however be maintained as regards possible French Government maneuvers to change the question referred to in the agreement and the Organic Law of 1999 to orient the choice of New Caledonians towards cancelling the referendum on Independence and replacing it with a new agreement like the Matignon and Noumea accords.

3. French Government Policy: The Red Line of Forbidden Independence?

As the history of decolonization has shown us, France does not want Independence for our country, and neither does it want Independence for "its" other overseas territories.

Its flat refusal in response to moves to reinstate Polynesia on the list of Non-Self-Governing Territories and accusations against the UN, I quote, a "blatant interference, complete lack of respect for the democratic choices made by the people of Polynesia and avoidance of decolonization goals"⁶ are only further proof.

⁶ Source : <http://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/onu/evenements-et-actualites-lies-aux/actualites-21429/article/resolution-adoptee-par-l-assemblee>

France will do everything possible to prevent our countries attaining full sovereignty: attempts to neutralize and to destabilize pro-Independence political parties and national liberation movements, killings of pro-Independence leaders, manipulation and destabilization practices tried and tested in former French colonies. 'Françafrique' is an example.

In this regard, a 'Truth Committee' was established following the 30th anniversary of the assassination of Pierre Declercq, the Secretary-General of the Caledonian Union, in 1981. The descendants of several people murdered in New Caledonia during the so-called "Events" period expressed their desire to know the truth about the murder of their father, grandfather, uncle, etc. The Committee members believe that, with a view to building the country's future, we must be clear about its past. Too many gray areas surround these deaths and in particular the people really behind several murders. This search for truth is currently occupying the members of the Truth Committee.

In addition, the Kanak People is being suffocated by a large-scale immigration policy from the French overseas territories and from France. The Kanak People is increasingly becoming a smaller minority in its own country. The migratory flow has increased significantly since the signing of the Matignon and Noumea Accords. This is happening despite the promises of Mr. Michel Rocard who, as Prime Minister at the signing of the Matignon Accords in 1988, had undertaken to stop migration.

This immigration is mainly into the Southern Province where the specter of partition is taking shape through settlement mostly by Europeans. The scenario is well known, it failed in the New Hebrides (Vanuatu) in 1980 but worked for the island of Mayotte in the Comoros Islands in 1975⁷. The UN has also been criticizing France since 1975 for the illegal occupation of Mayotte. Over 20 resolutions were passed for that purpose, so far with no tangible results.

This mass immigration harms the decolonization process and the right to self-determination and Independence of the colonized people, the Kanak people, and that of the

⁷ See intervention of the CAAC (Collectif of Associations and Friends of the Comoro Islands) during the anticolonial week the 24 February 2013 : <http://www.anticolonial.net/spip.php?article2863>)

New Caledonian citizens to whom the Kanak People has reached out to build a free and independent country.

The goal is clear, it is to populate New Caledonia (in line with Prime Minister Mesmer's circular in 1972) in order to submerge the Kanak demographically and thus deprive them of access to Independence.

At present, we entertain doubts and are assuming, and this needs to be verified, that the colonial settlement which is still ongoing from mainland France is a "deliberate" form of colonial settlement. This would mean that some people, who arrive, especially for positions in the public service, are encouraged to come to New Caledonia because they meet the criteria to be able to vote in the poll on the accession of the territory to full sovereignty.

However, according to the Plan of Action for the Second International Decade for the Eradication of Colonialism, "Administering Powers should ensure that any exercises of the right to self-determination are not affected by changes in the demographic composition of the Territories under their administration as a result of immigration or the displacement of the peoples of the Territories."

In addition, we are witnessing our country gradually being placed in a situation of economic dependency by the French State. Indeed, not having the slightest intention to withdraw from the Asia-Pacific region "the new place for global growth" as recently stated by U.S. President Barack Obama, France maintains its overseas territories in a situation of being welfare handout recipients through "targeted and selective", immigration excessive tax exemption, financial transfers and public servant salary index-linking, all of which contribute to creating an artificial bubble in which occurs artificial growth with high incomes, a high cost of living and major social inequalities.

It is clear that, in the name of French grandeur, its place in the world, its best interests, its rank as the second largest sea power in the world behind the U.S., it wants to make sure it

keeps its sovereign powers in New Caledonia, and all the more so as Oceania is considered as the new center of the world⁸.

4. New Caledonia is a Pacific Island, France is European.

Recently, a symposium organized by the French Senate in Paris in January 2013 reconfirmed the French interest in the French Pacific territories. It is now recognized that the Pacific has become the center of global growth, with a huge potential that can meet the challenges of the 21st century (energy, raw materials, food).

The future now rotates around the development of marine resources which are becoming strong employment providers through biodiversity, fisheries, mining of rare earths (yielding rare metals used in the manufacture of computers, tablets, Smartphones, lasers, solar panels, radars and missiles).

The speakers at the symposium advocated defending French higher interests in this part of the world in conjunction with French public and private companies including, for example the TOTAL oil company through gas projects in Papua New Guinea or those already operating New Caledonia and Polynesia. France also defends its own interests by using the French territories as a bridgehead or support base.

FLNKS has been generous in the time it has allowed to elapse in order build and attain Independence. Significant results have been achieved, but serious abuses due to the French Government's deliberate policy of containment have guided New Caledonia towards a one-way street from which, increasingly, France does not want it to emerge in the name of the higher interests of the Nation.

It is therefore necessary to find the right way out to counter this strategy. Particularly by strengthening the position of the FLNKS within the Melanesian Spearhead Group and with closer cooperation with the Pacific Forum. Regarding the Melanesian Spearhead Group, so

⁸ Sources : http://www.defence.gov.au/WhitePaper2013/docs/WP_2013_web.pdf + <http://www.defense.gouv.fr/actualites/articles/livre-blanc-2013>

long as New Caledonia is not Independent, it is out of the question for the moment for the FLNKS to hand over its seat to the Government of New Caledonia. The same can be said with regard to the Pacific Forum in which we believe that New Caledonia should not obtain full membership status as it is not independent. Because otherwise it is France who would, as a "Trojan Horse", be coming into these regional organizations, which have been involved in every struggle for the Independence of the Kanak People.

Further, it is necessary that the Melanesian Spearhead Group continues to speak on behalf of the FLNKS within the Pacific Islands Forum, the Non-Aligned Movement and the United Nations. For its part, the FLNKS by its institutional representatives in Kanaky will reinvigorate the partnership with the Melanesian Spearhead Group through senior staff training, economic and trade cooperation, the development of trade, etc. The position of Chair of the regional organization will be in the hands of the FLNKS after the summit in June this year and will be a historic opportunity to anchor New Caledonia even more deeply in the Pacific and Melanesian environment. Our country, which will commemorate 160 years of French possession on 24 September 2013, is not pre-destined to eternally play the role of stooge to its administering authority whose sole purpose is to assert before nations in this region its status as a "Pacific" country in order to capitalize on this position. The geographical and political reality is that France, located 20000 km from the Pacific, is a European state and not a Pacific one. To constantly ride roughshod over this basic reality is equivalent to maintaining the colonialist and imperialist system and paves the way for future conflicts. More than ever, New Caledonia, Melanesia and the Pacific need stability, cohesion and peace.

Conclusions and recommendations

In this presentation we also want to express to you our fears.

With a biased electorate for the provincials and for the referendum on the accession to full sovereignty, the results will be false. If the referendum for the country's attainment of full sovereignty ended in failure and New Caledonia did not achieve Independence, is there not a risk that it would be removed from the UN list of Non-Self-Governing Territories? Because the French Government's goal is the removal of New Caledonia from the list.

In addition, the State has always been opposed to the reinscription of New Caledonia on the list, as it has been for Polynesia. The Government is doing everything in its power for the results of future votes to be in its favor, hence the maneuvers on the special electoral bodies and the perpetuation of "selected" colonial settlement.

We would therefore like a more significant and more direct intervention from the UN regarding oversight of the Noumea Accord, both in terms of its application and from the point of view of the many traps that betray it in spirit and in practice.

We are urging the United Nations to act in its role to "do whatever it takes for the eradication of colonialism completely and quickly," and therefore no longer to just let time do its work. Indeed for New Caledonia this year, 2013, commemorates important events: 160 years of colonization, 135 years since the Kanak revolt of 1878, 60 years since Kanak entered New Caledonian institutions, 30 years since the Nainville-les-Roches agreements, 25 years since the Matignon-Oudinot Accords and 15 since the Noumea Accord. To help us to "close this parenthesis in history" that the colonization of our country represents, the United Nations must play its full part as a player in the "Decade of Action" to quickly end maneuvers and hindrances against decolonization.

As the objective of the seminar is to assist the Special Committee on Decolonization in the search for practical solutions and policy approaches to be taken to continue the United Nations decolonization process, we believe that significant and permanent local monitoring by experts appointed by the United Nations, on all preparations for the exercising of the right to self-determination in New Caledonia, would be crucial to the arbitration role, which belongs to the UN and not the colonial state, in order to ensure respect for the right to self-determination and Independence of the colonized people and the people to whom it opened access to such rights. The last mission by the Special Committee on Decolonization was a mission carried out jointly with the Pacific Forum in 1999.

In addition, in grappling with the problem of the unequal power balance between the colonized and the colonizing state, reinforced by anti-Independence colonial settler movement seeking to make the Kanak into a minority, we would like to have guarantees that the case of

New Caledonia will be still under UN supervision and that New Caledonia will not be removed from the list. Because we believe that this is an option being seriously considered and worked on by France in the event of failure of the referendum. Thus, as a precautionary and safety measure, would it not be a possibility to guarantee that the FLNKS obtain the status of NLM (National Liberation Movement) within the UN? This question arises when we witness attempts by the State to try and minimize, at every opportunity, the legitimacy of the FLNKS, as was the case during the last signatories committee meeting in December 2012.

We reiterate our confidence in all the forms of action that you may take, especially with the administering power, so as to enforce the Noumea Accord, a decolonization agreement in its very essence.

Before I conclude, let me thank your organization for all the contributions to our struggle in the past and those to come. I also thank the Non-Aligned Countries Movement for its support for our struggle and the Melanesian Spearhead Group and the Pacific Islands Forum for their constant support for our claim for Independence.

Thank you for your attention.

Stéphanie Graff (for Roch Wamytan and Julien
Boanemoi)